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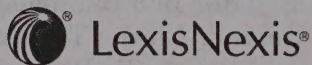
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EDUCATION

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SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
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SUBCHAPTER 1 — GENERAL PROVISIONS

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Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by

the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should be-

come effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-1-105. Information sharing with the Assessment Coordination Division.

(a)(1) The State Board of Education, the Division of Elementary and Secondary Education, and any other department or division administered by the state board shall provide information maintained by the state board, the Division of Elementary and Secondary Education, or any other department or division to the Assessment Coordination Division upon request by the Assessment Coordination Division.

(2) The information shall enable the Assessment Coordination Division to:

(A) Verify, ascertain, or calculate assessed values of real and personal property, millage rates, or tax collection rates in school districts and counties; and

(B) Assist the General Assembly, the Attorney General, or another state agency in verifying, ascertaining, or calculating data related to public schools, including school funding, school district revenues, and public school facilities.

(b) Information provided under this section shall be in any medium in which the record is readily available or in any format to which it is readily convertible with the existing software used by the state board, the Division of Elementary and Secondary Education, or any other department or division.

(c) Actual costs or expenses incurred in compiling or transmitting the data to the Assessment Coordination Division shall be paid by the Division of Elementary and Secondary Education.

History. Acts 2005, No. 1933, § 1; 2019, No. 910, § 1035.

Amendments. The 2019 amendment substituted "Assessment Coordination Division" for "Assessment Coordination De-

partment" in the section heading and throughout the section; and substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

6-1-107. Fairness in Women's Sports Act — Definition.

(a) This section shall be known and may be cited as the "Fairness in Women's Sports Act".

(b)(1) As used in this section, "school" means:

(A) A public elementary or secondary school;

- (B) An open-enrollment public charter school; and
- (C) A public two-year or four-year institution of higher education.

(2) "School" includes a private educational institution whose interscholastic, intercollegiate, intramural, or club athletic teams or sports compete against a public school.

(c) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a school shall be expressly designated as one (1) of the following based on biological sex:

- (1) "Male", "men's", or "boys";
- (2)(A) "Female", "women's", or "girls".

(B) An interscholastic, intercollegiate, intramural, or club athletic team or sport that is expressly designated for females, women, or girls shall not be open to students of the male sex; or

- (3) "Coed" or "mixed".

(d) A state government entity, licensing or accrediting organization, or athletic association or organization shall not undertake any of the following with respect to a school that maintains separate interscholastic, intercollegiate, intramural, or club athletic teams or sports for students of the female sex:

- (1) Accept a complaint concerning gender bias;
- (2) Open an investigation; or
- (3) Take any other adverse action against the school.

(e) A student who is:

(1) Deprived of an athletic opportunity or suffers a direct or indirect harm as a result of a violation of this section shall have a private cause of action against the school for:

- (A) Injunctive relief;
- (B) Damages, including without limitation:
 - (i) Monetary damages for any psychological, emotional, or physical harm; and
 - (ii) Reasonable attorney's fees and costs; and
- (C) Any other relief available under the law; or

(2) Subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school or athletic association or organization, or to a state or federal agency with oversight of schools, shall have a private cause of action against the school or athletic association or organization for:

- (A) Injunctive relief;
- (B) Damages, including without limitation:
 - (i) Monetary damages for any psychological, emotional, or physical harm; and
 - (ii) Reasonable attorney's fees and costs; and
- (C) Any other relief available under law.

(f) A school that suffers a direct or indirect harm as a result of a violation of this section shall have a private cause of action against the state government entity, licensing or accrediting organization, or athletic association or organization for:

- (1) Injunctive relief;
- (2) Damages, including without limitation:
 - (A) Monetary damages for any psychological, emotional, or physical harm; and
 - (B) Reasonable attorney's fees and costs; and
- (3) Any other relief available under the law.
- (g) A civil action initiated under subsection (e) or subsection (f) of this section shall be commenced within two (2) years after the harm occurred.

History. Acts 2021, No. 461, § 2.

A.C.R.C. Notes. Acts 2021, No. 461, § 1, provided: "Legislative findings and intent.

"(a) The General Assembly finds that:

"(1) According to the United States Supreme Court in *United States v. Virginia*, 518 U.S. 515, 533 (1996), there are 'inherent differences between men and women,' and these differences 'remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity';

"(2) These 'inherent differences' range from chromosomal and hormonal differences to physiological differences;

"(3) According to Neel Burton, 'The Battle of the Sexes,' *Psychology Today* (July 2, 2012), men generally have 'denser, stronger bones, tendons, and ligaments' and 'larger hearts, greater lung volume per body mass, a higher red blood cell count, and higher hemoglobin';

"(4) According to Doriane Lambelet Coleman, 'Sex in Sport,' 80 *Law and Contemporary Problems* 63-126 (2017) (quoting Gina Kolata, 'Men, Women and Speed. 2 Words: Got Testosterone?', *N.Y. Times* (Aug. 21, 2008)), men also have higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of carbohydrates, and the development of type 2 muscle fibers, all of which result in men being able to generate higher speed and power during physical activity;

"(5) The biological differences between men and women, especially related to natural levels of testosterone, 'explain the male and female secondary sex characteristics which develop during puberty and have life-long effects, including those most important for success in sport: categorically different strength, speed, and endurance,' according to Doriane Lambelet

Coleman and Wickliffe Shreve, 'Comparing Athletic Performances: The Best Elite Women to Boys and Men,' *Duke Law Center for Sports Law and Policy*;

"(6) While classifications based on sex are generally disfavored, the United States Supreme Court in *United States v. Virginia*, 518 U.S. 515, 533 (1996), has recognized that 'sex classifications may be used to compensate women for particular economic disabilities [they have] suffered, promote equal employment opportunity, [and] to advance full development of the talent and capacities of our Nation's people';

"(7) One place where sex classifications allow for the 'full development of the talent and capacities of our Nation's people' is in the context of sports and athletics;

"(8) Courts have recognized that the inherent, physiological differences between males and females result in different athletic capabilities. See, for example, *Kleczeck v. Rhode Island Interscholastic League, Inc.*, 612 A.2d 734, 738 (R.I. 1992) ('Because of innate physiological differences, boys and girls are not similarly situated as they enter athletic competition.'). *Petrie v. Ill. High Sch. Ass'n*, 394 N.E.2d 855, 861 (Ill. App. Ct. 1979) (noting that 'high school boys [generally possess physiological advantages over] their girl counterparts' and that those advantages give them an unfair lead over girls in some sports like 'high school track');

"(9) A recent study of female and male Olympic performances since 1983 by Valerie Thibault, et al., 'Women and Men in Sport Performance: The Gender Gap Has Not Evolved Since 1983,' *Journal of Sports Science & Medicine*, Vol. 9, No. 2 (2010), found that although athletes from both sexes improved over the time span, the 'gender gap' between female and male performances remained stable, which suggests that 'women's performances at the high level will never match those of men';

(10) As Duke University School of Law professor and All-American track athlete Doriane Coleman, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross recently wrote, '[T]he evidence is unequivocal that starting in puberty, in every sport except sailing, shooting, and riding, there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science.' (Doriane Coleman, Martina Navratilova, et al., 'Pass the Equality Act, But Don't Abandon Title IX,' Washington Post (Apr. 29, 2019));

(11) The benefits that natural testosterone provide to male athletes are not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the impact of treatments regarding puberty blockers and cross-sex hormones found that even 'after 12 months of

hormonal therapy,' a man who identifies as a woman and is taking cross-sex hormones 'had an absolute advantage' over female athletes and 'will still likely have performance benefits' over women. (Wilk, Anna, et al., 'Muscle Strength, Size and Composition Following 12 Months of Gender-Affirming Treatment in Transgender Individuals,' The Journal of Clinical Endocrinology & Metabolism, Vol. 105, No. 3 (2019)); and

(12) Having separate sex-specific teams furthers efforts to promote sex equality and accomplishes this aim by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors."

SUBCHAPTER 4 — SCHOOL LEADERSHIP COORDINATING COUNCIL

SECTION.

6-1-403. Purpose.

6-1-404. Creation.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-1-403. Purpose.

The purpose of the School Leadership Coordinating Council is to:

(1) Serve as a central body to coordinate the leadership development system efforts across the state including:

(A) Encouraging school districts to work with the Division of Elementary and Secondary Education, the Division of Higher Education, the Division of Career and Technical Education, and other leadership groups;

(B) Recommending a state leadership development system to coordinate all aspects of leadership development based on educational leadership standards adopted by the Division of Elementary and Secondary Education; and

(C) Devising a system of gathering data that includes input from practitioners, educational and community leaders, university leadership and faculty, and other interested parties;

(2) Assist the Division of Elementary and Secondary Education, the Division of Higher Education, the Division of Career and Technical Education, school districts, and other leadership groups in enhancing school leadership and school support efforts; and

(3) Aid in the development of model evaluation tools for use in the evaluation of school administrators.

History. Acts 2009, No. 222, § 1; 2019, No. 692, § 1; 2019, No. 910, § 1036.

Amendments. The 2019 amendment by No. 692 deleted "the Arkansas Leadership Academy School Support Program" preceding "and other leadership groups" in (1)(A) and preceding "school districts" in (2).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of

Education" throughout the section; in (1)(A) and (2), substituted "Division of Higher Education" for "Department of Higher Education" and "Division of Career and Technical Education" for "Department of Career Education"; and deleted "the Arkansas Leadership Academy School Support Program" preceding "and other leadership groups" in (1)(A) and preceding "school districts" in (2).

6-1-404. Creation.

(a) The School Leadership Coordinating Council consists of seventeen (17) members as follows:

(1) The Chair of the Arkansas Association of Colleges for Teacher Education Council of Deans;

(2) The Commissioner of Elementary and Secondary Education;

(3) The Director of the Arkansas Leadership Academy;

(4) The Director of the Division of Higher Education;

(5) The Director of the Division of Career and Technical Education;

(6) The Executive Director of the Arkansas Association of Educational Administrators;

(7) The Executive Director of the Arkansas Education Association;

(8) The Executive Director of the Arkansas School Boards Association;

(9) The Executive Director of the Arkansas Association for Supervision and Curriculum Development;

(10) The Executive Director of the Arkansas Rural Ed Association;

(11) A representative from the Arkansas Professors of Educational Administration;

(12) A representative from the Arkansas Center for Executive Leadership;

(13) A representative from an education service cooperative;

(14) A representative from the Arkansas Public School Resource Center, Inc.;

(15) A representative from the Arkansas State Teachers Association;

(16) The Chair of the Senate Committee on Education or the chair's designee; and

(17) The Chair of the House Committee on Education or the chair's designee.

(b) Any member may appoint a designee to serve in his or her place if necessary.

(c)(1) The Chair of the School Leadership Coordinating Council is elected by majority vote at the first meeting of the council.

(2) All changes in the chair are decided by majority vote of the council.

(d)(1) The council shall meet at the times and places that the chair deems necessary but no less than four (4) times per year.

(2) Seven (7) members of the council shall constitute a quorum for the purpose of transacting business.

(3) All actions of the council are by quorum.

(e) The Division of Elementary and Secondary Education, with the assistance of the Division of Higher Education and the Division of Career and Technical Education, shall staff the council.

(f)(1) All nonlegislative members of the council may receive expense reimbursement in accordance with § 25-16-902 paid by the Division of Elementary and Secondary Education if funds are available.

(2) Legislative members of the council shall be paid per diem and mileage as authorized by law for attendance at meetings of interim committees of the General Assembly.

History. Acts 2009, No. 222, § 1; 2017, No. 344, §§ 1, 2; 2019, No. 910, §§ 1037-1040.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (a)(2); substituted "Division of Higher Education" for "De-

partment of Higher Education" in (a)(4) and (e); substituted "Division of Career and Technical Education" for "Department of Career Education" in (a)(5) and (e); and substituted "Division of Elementary and Secondary Education" for "Department of Education" in (e) and (f)(1).

SUBCHAPTER 6 — COLLEGE AND CAREER COACHES PROGRAM

SECTION.

6-1-602. Creation — Program participation.

6-1-603. Program administration.

6-1-604. College and career coaches — Duties — Supervision.

SECTION.

6-1-605. Program effectiveness and measurement.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-1-602. Creation — Program participation.

(a)(1) The College and Career Coaches Program is established to assist students in preparing for postsecondary education or careers.

(2) Coaches shall be accessible to students who attend middle schools and high schools.

(b) A school district participating in the program is eligible for administrative support and supplemental grants if funding is available.

(c) A school district may use enhanced student achievement funds to support the school district's participation in the program.

(d) Participation in the program is contingent on the availability of funding.

(e) To participate in the program, a school district shall apply jointly with an institution of higher education, an education service cooperative, or a nonprofit organization to the Division of Career and Technical Education.

History. Acts 2013, No. 1285, § 2; 2015, No. 960, § 1; 2021, No. 633, §§ 1, 2.

Amendments. The 2021 amendment, in (c), substituted "enhanced student

achievement funds" for "national school lunch state categorical funds" and substituted "program" for "College and Career Program"; and added (e).

6-1-603. Program administration.

(a) The Division of Career and Technical Education, in partnership with the Division of Elementary and Secondary Education and the Division of Higher Education, shall develop and administer the College and Career Coaches Program.

(b) The Division of Career and Technical Education shall manage the College and Career Coaches Program and:

(1) Provide guidelines and procedures for implementing the College and Career Coaches Program;

(2) Develop, coordinate, and offer training opportunities for college and career coaches;

(3) Monitor implementation of the College and Career Coaches Program by on-site technical assistance visits at least one (1) time every two (2) years;

(4) Develop guidelines and procedures for the application process;

(5) Accept or reject the annual application of a College and Career Coaches Program after:

(A) Reviewing and evaluating evidence of the performance and success of a College and Career Coaches Program; and

(B) Verifying the partnership between a school district and an institution of higher education, an education service cooperative, or a nonprofit organization; and

(6) Prepare annual reports that may be shared with members of the:

(A) Governor's Workforce Cabinet;

(B) General Assembly; and

(C) Office of the Governor.

History. Acts 2013, No. 1285, § 2; 2015, No. 960, § 2; 2017, No. 128, § 1; 2019, No. 910, §§ 1041, 1042; 2021, No. 633, §§ 3, 4.

Amendments. The 2019 amendment, in (a), substituted "Division of Elementary and Secondary Education" for "Department of Education" and "Division of

Higher Education" for "Department of Higher Education"; and substituted "Division of Career and Technical Education" for "Department of Career Education" in (a) and (b).

The 2021 amendment substituted "two (2) years" for "five (5) years" in (b)(3); and rewrote (b)(5)(B).

6-1-604. College and career coaches — Duties — Supervision.

(a) A college and career coach shall:

(1) Hold a baccalaureate degree; and

(2) Complete the required training on facilitating career development within one (1) year of hiring.

(b) The college and career coaches shall be stationed at an institution of higher education, an education service cooperative, or a nonprofit organization and shall provide services and support to students in middle schools and high schools, including without limitation:

(1) Assisting the career development teacher with the development of college and career plans for students, beginning in grade seven (7);

(2) Assisting the school counselor with college and career planning resources and revising college and career plans for each student annually, beginning in grade nine (9);

(3) Offering high school students college and career planning services and activities that combine counseling on career options and experiential learning with academic planning to assist students with their college and career plans;

(4) Encouraging parental participation by scheduling annual parent sessions, beginning with students in grade seven (7), to assist parents and students in understanding the college and career planning process;

(5) Providing parents and high school students with information about career and technology education program opportunities available in Arkansas and the level of education and skill required to be successful in various career fields;

(6) Preparing high school students with information and preparation for financing a postsecondary education;

(7) Assisting schools in promoting quality career development for students in grades seven through twelve (7-12);

(8) Supporting students in middle school and high school in the exploration of career clusters and the selection of an area of academic focus with a cluster of study;

(9) Improving and promoting career development and college planning opportunities within school districts and communities;

(10) Attending continuing education programs on the certified career development facilitator curriculum sponsored by the state;

(11) Coordinating with school counselors and school administrators on career day events, career classes, career programming, college planning, and financial aid activities;

(12) Coordinating community resources and citizens representing diverse occupations to provide career development activities for parents and students;

(13) Assisting with online-based career guidance and college planning systems;

(14) Attending continuing education programs on facilitating career development; and

(15) Assisting a student with completing his or her student success plan, as described in § 6-15-2911, by the end of grade eight (8).

(c)(1) An institution of higher education, an education service cooperative, or a nonprofit organization participating in the College and Career Coaches Program shall assign an on-site supervisor who shall:

(A) Supervise the program locally; and

(B) Be a liaison between the institution of higher education, education service cooperative, or nonprofit organization and the Division of Career and Technical Education.

(2) The division and the on-site supervisor shall evaluate the performance of each college and career coach.

History. Acts 2013, No. 1285, § 2; 2015, No. 960, §§ 3, 4; 2017, No. 128, § 2; 2019, No. 910, §§ 1043, 1044; 2021, No. 633, §§ 5-7.

Amendments. The 2019 amendment substituted “Division of Career and Technical Education” for “Department of Career Education” in (c)(1)(B); and substituted “Division of Career and Technical Education” for “department” in (c)(2).

The 2021 amendment substituted “Complete the required training on facilitating career development” for “Hold a career development facilitator certification or be eligible to complete the required career development facilitator training” in (a)(2); substituted “development teacher” for “orientation instructor” in (b)(1); and added (b)(14) and (b)(15).

6-1-605. Program effectiveness and measurement.

(a)(1) The effectiveness of the College and Career Coaches Program shall be evaluated based on measurable benefits to students, including:

(A) An increase in high school graduation rates;

(B) An increase in college attendance rates;

(C) A reduction in remediation rates;

(D) An increase in the number of applications for financial aid;

(E) An increase in enrollment in two-year, four-year, technical certificate programs, and military service;

(F) An increase in the number of completed Free Application for Federal Student Aid (FAFSA);

(G) An increase in the number of scholarships awarded;

(H) An increase in ACT scores;

(I) An increase in the number of industry-recognized certifications earned; and

(J) An increase in work-based learning experiences.

(2) The Division of Career and Technical Education shall collect and prepare performance data reports to determine the effectiveness of the College and Career Coaches Program.

(b) Annually, each college and career coach shall submit a report to the Division of Career and Technical Education describing his or her student contacts and the programs and services provided.

History. Acts 2013, No. 1285, § 2; 2015, No. 960, § 5; 2017, No. 128, § 3; 2019, No. 910, §§ 1045, 1046; 2021, No. 633, § 8.

Amendments. The 2019 amendment, in (a)(2)(A), substituted “Division of Elementary and Secondary Education” for

“Department of Education” and “Division of Higher Education” for “Department of Higher Education”; and substituted “Division of Career and Technical Education” for “Department of Career Education” in (a)(2)(B) and (b).

The 2021 amendment rewrote (a).

SUBCHAPTER 7 — ARKANSAS FINANCIAL EDUCATION COMMISSION

SECTION.

6-1-701. Title.

6-1-702. Purpose.

6-1-703. Arkansas Financial Education Commission — Creation — Members — Powers.

SECTION.

6-1-704. Duties of the Arkansas Financial Education Commission.

6-1-705. Funding.

6-1-706. Rules.

6-1-701. Title.

This subchapter shall be known and may be cited as the “Arkansas Financial Education Commission”.

History. Acts 2021, No. 1025, § 1.

6-1-702. Purpose.

It is the purpose of this subchapter to:

(1) Provide financial literacy education programs to all geographic areas and socioeconomic backgrounds; and

(2) Promote the importance of saving for education.

History. Acts 2021, No. 1025, § 1.

6-1-703. Arkansas Financial Education Commission — Creation — Members — Powers.

(a) There is established the Arkansas Financial Education Commission.

(b)(1) The commission shall be administered by a board of directors.

(2)(A) The board shall consist of nine (9) members.

(B) Members of the board shall consist of:

- (i) The Treasurer of State or his or her designee, who shall serve as chair;
 - (ii) The Commissioner of Elementary and Secondary Education or his or her designee;
 - (iii) The Securities Commissioner or his or her designee;
 - (iv) The Bank Commissioner or his or her designee;
 - (v) One (1) member who is designated by the Arkansas Bankers Association;
 - (vi) One (1) member who is a member of a federally chartered credit union doing business in this state, appointed by the Treasurer of State; and
 - (vii) Three (3) members who have various financial backgrounds, one (1) member of the three (3) to be a female, one (1) member of the three (3) to be a racial minority, appointed by the Treasurer of State.
- (3)(A) Members shall serve for two-year terms.
- (B) A vacancy shall be filled by appointment by the Treasurer of State for the unexpired term.
- (C) New members shall be appointed every two (2) years.
- (D) Members may be reappointed.
- (4) Members shall select by majority vote:
- (A) One (1) member to serve as vice chair;
 - (B) One (1) member to serve as secretary; and
 - (C) One (1) member to serve as treasurer.
- (5)(A) Members shall serve without compensation.
- (B) Members may receive compensation for travel and personal expenses made on behalf of the board if funds are appropriated for expense reimbursement according to § 25-16-902.
- (c)(1) The chair shall call the first meeting of the board.
- (2) A majority of the membership shall constitute a quorum.
- (3) A majority vote of those members present shall be required for any action of the board.
- (4)(A) The board shall meet at least two (2) times a year, one (1) meeting to be held in the spring and one (1) meeting to be held in the fall, at the call of the chair.
- (B) The board shall meet in Little Rock, Arkansas.
- (C) All meetings shall be recorded and made available to the public to ensure transparency.
- (d) The board may:
- (1) Incorporate the commission as a nonprofit corporation under the Arkansas Nonprofit Corporation Act of 1993, § 4-33-101 et seq., and after incorporation as a nonprofit corporation, apply for tax-exempt status under 26 U.S.C. § 501(c)(3), as it existed on January 1, 2021;
 - (2) Have all the rights and powers of a nonprofit corporation under federal and state law upon incorporation as a nonprofit corporation;
 - (3) Request information from any state agency or political subdivision of the state that receives state funds to enable the commission to perform the duties required by this subchapter;

(4) Enter into mutual agreements with any state agency, local government, subdivision of the state or local government, or any for-profit or nonprofit entity to:

(A) Allow the commission to use any facility within the control or jurisdiction of the entity; or

(B) Render any services by an entity to the commission or by the commission to the entity if the services are for or in connection with the commission's activities;

(5) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the board;

(6) Contract for services necessary for the management and operation of the commission and for the development, management, and implementation of the financial literacy educational plans and programs described under this subchapter;

(7) Contract with consultants as necessary to carry out the responsibilities under this subchapter;

(8) Promote, advertise, and publicize the activities of the commission; and

(9) Coordinate and promote financial literacy education efforts at the state and local level, including promoting partnerships among state and local governments, nonprofit organizations including the commission, and private entities.

(e) The commission is part of the Treasurer of State and shall use the staff of the Treasurer of State.

History. Acts 2021, No. 1025, § 1.

6-1-704. Duties of the Arkansas Financial Education Commission.

The duties of the Arkansas Financial Education Commission include:

(1) Appointing as temporary director of the commission, a member of the Section 529 Plan Review Committee, as described in § 6-84-105, and if necessary, appointing a new and independent director of the commission;

(2) Raising funds for financial literacy educational plans and programs, excluding a regulator who:

(A) Is a member of the board of directors of the commission; and

(B) Shall not directly or indirectly participate in the commission's fundraising activities;

(3)(A) Managing and implementing financial literacy educational plans and programs.

(B) A financial literacy education plan or program described in subdivision (3)(A) of this section includes without limitation financial literacy educational programs for elementary and secondary school students;

(4) Providing education in all aspects of financial matters;

(5) Creating a website to make financial resources available to all Arkansans that covers a wide range of financial topics;

(6) Creating and providing awards to individuals and organizations that help improve financial literacy throughout the state; and

(7)(A) Working with other state agencies in providing financial literacy education and topics to schools in the state.

(B) The topics shall include:

(i) Earning a livable income;

(ii) Balancing a checkbook and bank account;

(iii) Use of credit cards and managing debt;

(iv) Saving for postsecondary education;

(v) Retirement and long-term financial planning; and

(vi) Investing.

History. Acts 2021, No. 1025, § 1.

6-1-705. Funding.

(a) The Arkansas Financial Education Commission may raise funds through sponsorship and other means approved by the commission for the purpose of promoting financial literacy in the state.

(b) Funds that are raised shall be used for the following plans and programs including without limitation:

(1) Promotion of financial literacy programs;

(2) Purchasing financial literacy materials; and

(3) Travel expenses of the commission.

(c) Any balance remaining at the end of the fiscal year shall be carried forward into the next fiscal year for the benefit and use of the commission.

History. Acts 2021, No. 1025, § 1.

6-1-706. Rules.

The Board of Directors of the Arkansas Financial Education Commission shall adopt rules to implement and administer this subchapter.

History. Acts 2021, No. 1025, § 1.

CHAPTER 3

ARKANSAS EDUCATIONAL TELEVISION COMMISSION

SECTION.

6-3-105. Purpose — Powers and duties generally.

6-3-111. Budget requests.

SECTION.

6-3-112. Authorization for lease of facilities.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-3-105. Purpose — Powers and duties generally.

(a) The Arkansas Educational Television Commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Arkansas.

(b) To this end, the Arkansas Educational Television Commission is empowered and directed to survey, study, and appraise the need for an overall plan for the use of television facilities available for noncommercial educational use in the state.

(c) The Arkansas Educational Television Commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the Federal Communications Commission to Arkansas for noncommercial educational use.

(d)(1) The Arkansas Educational Television Commission may designate the location of stations to utilize such channels and make rules governing the operation of these stations and the programs televised over these channels.

(2) The Arkansas Educational Television Commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations.

History. Acts 1961, No. 198, § 5; A.S.A. 1947, § 80-3905; Acts 2019, No. 315, § 176.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (d)(1).

6-3-111. Budget requests.

The Director of the Educational Television Division of the Division of Elementary and Secondary Education shall submit budget requests of the Educational Television Division to the State Board of Education and the Commissioner of Elementary and Secondary Education for their review and approval before the budget submissions are forwarded to the Governor and the Legislative Council.

History. Acts 1987, No. 914, § 7; 2019, No. 910, § 1047.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" and "Educational Television

Division” for “division”, and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education”.

6-3-112. Authorization for lease of facilities.

(a)(1) The Arkansas Educational Television Commission is authorized and empowered to arrange for the use of its facilities, including without limitation tower space, studios, and equipment, by any federal, state, or local governmental agency or by any other person, from time to time, as any of such facilities are not needed by the commission, and to collect fees and charges, as the commission determines to be reasonable, in connection with the use of any such facilities by any other person.

(2) Provided, however, agencies and educational institutions of the State of Arkansas shall have preference for the use of commission facilities over other entities and persons and shall be assessed fees and charges at preferential rates as determined by the commission.

(b) The commission shall be exempt from complying with general provisions of other laws dealing with public commodities and facilities and their acquisition, leasing, or disposition in relation to the use of its studios by other persons in such cases, as advertising for bids would be impractical because of time limitations.

(c) Any revenue received by the commission from the use of its facilities by other persons shall be cash funds pursuant to § 6-3-109.

(d) The commission is authorized to promulgate such rules as it deems necessary for the implementation of this section.

History. Acts 1993, No. 329, §§ 1-4; 2019, No. 315, § 177.

Amendments. The 2019 amendment substituted “rules” for “regulations” in (d).

CHAPTER 4

INTERSTATE COMPACTS

SUBCHAPTER.

1. SOUTHERN REGIONAL EDUCATION COMPACT.
3. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

SUBCHAPTER 1 — SOUTHERN REGIONAL EDUCATION COMPACT

SECTION.

6-4-104. Agent for out-of-state education.

6-4-106. Application by students.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of

the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-4-104. Agent for out-of-state education.

(a) The Arkansas Higher Education Coordinating Board is designated the agent for the State of Arkansas for the purpose of entering into a program of out-of-state training and education for residents of Arkansas through the cooperation of the Board of Control for Southern Regional Education, which was created by interstate compact with Arkansas, a signatory pursuant to House Concurrent Resolution 13, approved March 2, 1949.

(b) The Division of Higher Education is hereby authorized to administer the program.

History. Acts 1957, No. 243, § 1; A.S.A. 1947, § 80-3704; Acts 1993, No. 1259, § 2; 1999, No. 1218, § 1; 2019, No. 910, § 1048.

A.C.R.C. Notes. The Board of Control for Southern Regional Education named

in the compact is now the Southern Regional Education Board.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (b).

6-4-106. Application by students.

(a) Students seeking the subsidy to be paid for their benefit shall apply to the Division of Higher Education, giving necessary information.

(b) If the applicant is found to be a bona fide resident of Arkansas and if funds for this purpose are available, the division shall, without more, certify the applicant as qualified to participate under this program.

History. Acts 1957, No. 243, § 4; A.S.A. 1947, § 80-3707; Acts 1993, No. 1259, § 4; 1999, No. 1218, § 3; 2019, No. 910, § 1048.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in (a); and substituted "division" for "department" in (b).

SUBCHAPTER 3 — INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

SECTION.

6-4-303 — 6-4-306. [Repealed.]

6-4-308, 6-4-309. [Repealed.]

Cross References. Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et seq.

6-4-303 — 6-4-306. [Repealed.]

Publisher's Notes. These sections, concerning the Compact Commissioner for Arkansas, creation of the State Council, duties of the State Council, and the military family education liaison, were repealed by Acts 2021, No. 1031, § 7, effective July 28, 2021. The sections were derived from the following sources:

6-4-303. Acts 2013, No. 146, § 1; 2019, No. 939, § 1.
6-4-304. Acts 2013, No. 146, § 1; 2015, No. 1100, § 2; 2019, No. 939, §§ 2-4.
6-4-305. Acts 2013, No. 146, § 1; 2019, No. 939, §§ 5, 6.
6-4-306. Acts 2013, No. 146, § 1.
For current law, see § 6-28-101 et seq.

6-4-308, 6-4-309. [Repealed.]

Publisher's Notes. These sections, concerning immunity not affected, and children of military families, student enrollment procedures, and military education coordinators, were repealed by Acts 2021, No. 1031, § 8, effective July 28,

2021. The sections were derived from the following sources:
6-4-308. Acts 2013, No. 146, § 1.
6-4-309. Acts 2019, No. 939, § 7.
For current law, see § 6-28-101 et seq.

CHAPTER 5
MISCELLANEOUS PROVISIONS RELATING TO
ELEMENTARY, SECONDARY, AND HIGHER
EDUCATION

SUBCHAPTER.

- 3. EDUCATIONAL EXCELLENCE TRUST FUND.
- 4. HIGHER EDUCATION AWARENESS ACT OF 1993.
- 8. HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT.
- 9. THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM.
- 10. COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.
- 11. COUNCIL ON POSTSECONDARY EDUCATION AND CAREER READINESS.
- 12. ADVANCED PLACEMENT TRAINING AND INCENTIVE PROGRAM.

SUBCHAPTER 3 — EDUCATIONAL EXCELLENCE TRUST FUND

SECTION.

6-5-307. Classroom teacher salary requirement.

Effective Dates. Acts 2019, No. 170, § 3: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkan-

sas that there exists a shortage of licensed teachers in many areas of the state; that teacher salaries are a key factor in attracting individuals to the field of teach-

ing; and that the provisions of this act should become effective at the beginning of the fiscal year to allow for implementation for the 2019-2020 school year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations

of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-5-307. Classroom teacher salary requirement.

(a) Any increase in Educational Excellence Trust Fund funds allocated for teacher salaries shall be used by school districts to provide salary increases for current licensed personnel positions and for no other purpose, except that required Social Security and teacher retirement matching required to be paid by the school districts for licensed personnel positions may be paid from the funds.

(b) Educational Excellence Trust Fund funds allocated for teacher salaries shall be disbursed by the Division of Elementary and Secondary Education to a school district in accordance with the foundation funding amount under § 6-20-2305.

(c) In determining whether a school district has had an increase in Educational Excellence Trust Fund funds allocated for teacher salaries, any annual increase in the Educational Excellence Trust Fund funds must exceed the level of the prior fiscal year to be classified as an increase.

(d) “Salary increase”, as used in this section, includes increments for experience or advanced hours or degrees.

(e) The division may promulgate rules to administer this section.

History. Acts 1995, No. 1172, § 2; 1997, No. 1324, § 1; 2001, No. 1456, § 7; 2005, No. 2121, § 20; 2005, No. 2165, § 1; 2013, No. 1138, § 1; 2013, No. 1278, § 1; 2019, No. 170, § 1; 2019, No. 910, § 1050.

Amendments. The 2019 amendment by No. 170 substituted “foundation funding amount” for “state foundation funding formula” in (b); in (c), substituted “the

Educational Excellence Trust Fund” for “such trust”, and “prior fiscal year” for “highest year since 1991”; added (e); and made stylistic changes.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b).

SUBCHAPTER 4 — HIGHER EDUCATION AWARENESS ACT OF 1993

SECTION.

6-5-403. Scope of program.

6-5-404. Cooperation with program.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-5-403. Scope of program.

(a) The Arkansas Higher Education Coordinating Board is hereby directed to work with Arkansas public institutions of higher education, and those private institutions of higher education that wish to participate, to annually provide updated or additional information for the information packages provided to seventh-grade students and their parents or guardians on the options of postsecondary education available in Arkansas, the courses required to attend colleges and universities, and the financial requirements and assistance available for students pursuing additional education after high school.

(b)(1) Sessions to discuss postsecondary options shall be held during the spring semester at a reasonable time at each of the state's public schools housing a seventh-grade class.

(2) The sessions should be scheduled at a time convenient to the school and the cooperating institutions of higher education.

(3) The students in the seventh grade, the school counselors, and the students' parents, guardians, or persons in loco parentis shall meet together in conference for the purpose of defining the students' educational objectives for the future and developing a course of study for grades eight through twelve (8-12).

(c) At the request of the parents, guardians, or persons in loco parentis, the school will schedule an individual conference to evaluate the student's past academic performance, to define the student's educational objectives for the future, and to develop a course of study for the student in grades eight through twelve (8-12).

(d)(1) The board, working in conjunction with state-supported institutions of higher education, private institutions of higher education that wish to participate, the Division of Elementary and Secondary

Education, and the Division of Career and Technical Education annually shall compile information for Arkansas high school students on:

(A) Academic scholarships for freshmen entering institutions of higher education in the state; and

(B) State-funded programs that provide opportunities for developing technical job skills and apprenticeships.

(2)(A) The Division of Elementary and Secondary Education shall provide the information annually to all public high school counselors in the state.

(B) Each public high school counselor annually shall provide the information received from the Division of Elementary and Secondary Education to students in the public high school where he or she is employed.

History. Acts 1993, No. 1256, § 3; 1999, No. 478, § 2; 2007, No. 474, § 1; 2019, No. 910, § 1051.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

Education” throughout (d); and substituted “Division of Career and Technical Education” for “Department of Career Education” in the introductory language of (d)(1).

6-5-404. Cooperation with program.

(a) The State Board of Education, the Division of Elementary and Secondary Education, and the public schools of Arkansas shall:

(1) Cooperate with the Arkansas Higher Education Coordinating Board, the Division of Higher Education, and the institutions of higher education in providing the information; and

(2) Assist as requested by the Arkansas Higher Education Coordinating Board.

(b) Individual schools shall make special efforts to ensure that as many students and parents or guardians as possible are made aware of the opportunity to receive information, are urged to attend the counseling sessions, and are in receipt of the information packages.

(c) Businesses and industries in Arkansas are hereby requested to provide the opportunity to their employees with children in the eighth grade in public schools in Arkansas to attend the counseling sessions and to cooperate with institutions of higher education in presenting at the work site small group and one-on-one counseling on courses that are required for postsecondary education and postsecondary options and financial requirements and assistance available for postsecondary education.

History. Acts 1993, No. 1256, § 3; 2009, No. 376, § 2; 2019, No. 910, §§ 1052, 1053.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in the introductory language of (a); and substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1).

SUBCHAPTER 8 — HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT

SECTION.

6-5-803. Arkansas Academic Physician Program.

6-5-804. Health Care Student Summer

Enrichment Program for Underrepresented Student Populations.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-5-803. Arkansas Academic Physician Program.

(a) There is created within the Division of Higher Education the Arkansas Academic Physician Program.

(b) To ensure academic success and completion of medical, pharmacy, or nursing school, the program shall provide academic support for students preparing to matriculate at a medical school in this state accredited by an accrediting agency recognized by the United States Department of Education or approved by the Arkansas Higher Education Coordinating Board to seek accreditation by an accrediting agency recognized by the United States Department of Education.

(c) The program shall offer tutoring, group study, test-taking strategies, and supplemental instruction to promote collegiality and enhance the student’s ability to master the basic sciences and increase the applicant pool.

(d) The program aims to offer premedical, prepharmacy, and prenursing students in Arkansas from diverse backgrounds the opportunity to engage in a variety of clinical hands-on experiences.

History. Acts 2009, No. 709, § 1; 2017, No. 147, § 1; 2019, No. 910, § 1054.

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education” in (a).

6-5-804. Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(a) There is created within the Division of Higher Education the Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(b) The program is an intensive six-week program targeting undergraduate students designed to:

(1) Increase awareness among racial and ethnic minority undergraduate students of:

(A) Common medical problems in underserved communities; and

(B) Career opportunities in fields of medicine;

(2) Provide participants with a meaningful experience in health-related fields; and

(3) Stimulate the interest of racial and ethnic minority undergraduate students in careers in science, medicine, and biomedical research.

(c) The program shall be designed to encourage participation by students of diverse backgrounds.

History. Acts 2009, No. 709, § 1; 2019, No. 910, § 1055.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in (a).

SUBCHAPTER 9 — THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM

SECTION.

6-5-902. Definitions.

6-5-903. Establishment — Participation.

6-5-904. Applications process — Allocation of funding.

SECTION.

6-5-905. Criteria for need-based funding.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-5-902. Definitions.

As used in this subchapter:

(1) "Grant" means a Positive Youth Development Grant;

(2) “Positive youth development program” means a developmentally appropriate learning experience that helps children and youth five through nineteen (5-19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(3) “Program” means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education.

History. Acts 2011, No. 166, § 1; 2019, No. 910, § 1056. substituted “Division of Elementary and Secondary Education” for “Department of

Amendments. The 2019 amendment Education” in (3).

6-5-903. Establishment — Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five through nineteen (5-19) years of age once funding is available.

(2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five through nineteen (5-19) years of age.

History. Acts 2011, No. 166, § 1; 2019, No. 910, § 1057. Secondary Education” for “Department of Education” in (a)(1); and substituted “Division of Elementary and Secondary Education” for “department” in (a)(2).

Amendments. The 2019 amendment substituted “Division of Elementary and

6-5-904. Applications process — Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a grant shall:

(1) Complete and submit the appropriate application developed by the Division of Elementary and Secondary Education in collaboration with the Division of Child Care and Early Childhood Education;

(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies,

business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the Division of Child Care and Early Childhood Education.

(B) The Division of Child Care and Early Childhood Education may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Division of Elementary and Secondary Education; and

(ii) The Division of Child Care and Early Childhood Education determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the Division of Elementary and Secondary Education in consultation with the Division of Child Care and Early Childhood Education;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding, the Division of Elementary and Secondary Education, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been identified to receive Level 5 — Intensive support from the Division of Elementary and Secondary Education.

(e)(1) Grants shall be three-year awards to be distributed annually, as determined by the Division of Child Care and Early Childhood Education.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the Division of Elementary and Secondary Education.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

- (1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;
- (2) Services that include children and youth where English is a second language;
- (3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and
- (4) A variety of activities including without limitation:
 - (A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;
 - (B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;
 - (C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;
 - (D) Activities that address cultural diversity and inclusion;
 - (E) Service learning or community service experiences;
 - (F) Workforce development activities that link academic curriculum to actual work experiences;
 - (G) Leadership development, mentoring, and other services to disconnected youth;
 - (H) Enrichment activities not otherwise provided during the school day; and
 - (I) Family and community engagement.

History. Acts 2011, No. 166, § 1; 2017, No. 936, §§ 1, 2; 2019, No. 910, §§ 1058, 1059.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b)(1) and (b)(3)(B)(i); substituted “Division of Child Care and Early

Childhood Education” for “division” in (b)(3)(A), the introductory language of (b)(3)(B), (b)(3)(B)(ii), (c)(2), and (e)(1); and substituted “Division of Elementary and Secondary Education” for “department” in (c)(2), (d)(1), (d)(2)(B), (e)(2), and (f)(4)(A).

6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

(1) A positive youth development program available in the community where the child resides; and

(2) Available space for the child to attend the program.

(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five through nineteen (5-19) years of age who are not eligible under subsection (a) of this section.

(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the Positive Youth Development Grant.

History. Acts 2011, No. 166, § 1; 2019, No. 910, § 1060.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (b); substituted "Division of Elementary and Secondary Education" for "department" in (c); and substituted "Division of Child Care and Early Childhood Education" for "division" in (c) and (d).

SUBCHAPTER 10 — COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

SECTION.

6-5-1003. College and career readiness standards.

SECTION.

6-5-1004. Technical skills assessments.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-5-1003. College and career readiness standards.

(a)(1) The Division of Career and Technical Education shall work in collaboration with the Division of Elementary and Secondary Education and the Division of Higher Education to develop college and career readiness standards for career and technical education courses.

(2) College and career readiness standards shall address the importance of rigorous academic standards and the role rigorous academic standards have in higher education.

(b) The college and career readiness standards for career and technical education courses shall incorporate current frameworks that promote sustainability of career and technical education programs of study that include:

(1) Legislation, local resources, and administrative policies that promote career and technical education development and implementation within a school district;

(2) Partnerships with educators, businesses, and other community stakeholders that support career and technical education design, implementation, and maintenance;

(3) Professional development opportunities for administrators and teachers who foster career and technical education, including design, implementation, and maintenance;

(4) Accountability and evaluation systems and strategies that gather quantitative and qualitative data on both career and technical education components and student outcomes to determine the effectiveness of each program of study;

(5) Clear content standards that:

(A) Define what a student is expected to know and what the student should be able to do to achieve success in college or in a career; and

(B) Align and integrate curriculum and instruction;

(6)(A) Sequences of secondary and postsecondary career and technical education courses that help students transition to postsecondary education without requiring duplicate classes or remedial education.

(B) The Division of Career and Technical Education, in collaboration with the Division of Elementary and Secondary Education and the Division of Higher Education, shall establish a common course numbering system that incorporates career and technical education courses at both the secondary and postsecondary level;

(7) Formal credit transfer agreements between secondary schools and postsecondary institutions of higher education;

(8) Comprehensive guidance counseling and academic advisory systems developed by the Division of Career and Technical Education in collaboration with the Division of Elementary and Secondary Education and the Division of Higher Education that:

(A) Enable students to make informed decisions about which program of study to pursue;

(B) Are based on state or local guidance and counseling standards, for example, the National Career Development Guidelines;

(C) Ensure that guidance counselors and academic advisors have current information about career and technical education programs of study;

(D) Offer information and tools to help students learn about postsecondary education and career options, including prerequisites that may be required;

(E) Provide resources for students to identify career interests and aptitudes and to select an appropriate career and technical education program of study based on the results;

(F) Provide information for parents, including workshops on college financial aid and applications, preparing students for college and college applications, and preparing students for careers; and

- (G) Provide web-based resources and tools for obtaining student financial assistance;
- (9) Innovative and creative instructional approaches that enable teachers to integrate academic, career, and technical instruction; and
- (10) Valid and reliable technical skills assessments.

History. Acts 2011, No. 743, § 1; 2015, No. 1279, §§ 2-4; 2017, No. 554, § 1; 2019, No. 910, §§ 1061-1063.

Amendments. The 2019 amendment, in (a)(1), (b)(6)(B), and (b)(8), substituted “Division of Career and Technical Educa-

tion” for “Department of Career Education”, “Division of Elementary and Secondary Education” for “Department of Education”, and “Division of Higher Education” for “Department of Higher Education”.

6-5-1004. Technical skills assessments.

(a) The Division of Career and Technical Education shall recognize valid and reliable technical skills assessments that provide evaluation of students’ knowledge and skills necessary for entry into postsecondary education or a career in a selected program of study.

(b) The technical skills assessment shall:

(1)(A) Be a third-party, industry-recognized assessment approved by the division that is based on current industry standards.

(B)(i) The division shall provide a current list of approved third-party, industry-recognized assessments.

(ii) The third-party, industry-recognized assessments shall be reviewed and approved by the division using a process developed by the division;

(2) Measure student attainment of technical skill proficiencies during a student’s career and technical education program of study;

(3)(A) Incorporate performance-based assessment measures that demonstrate the application of knowledge and skills, to the extent possible.

(B) A student who successfully completes a technical skills assessment may receive secondary credit, postsecondary credit, and special designation on the student’s high school diploma; and

(4)(A) Be used as a tool to evaluate the quality of career and technical education programs of study in secondary schools.

(B) The division shall provide technical assistance on career and technical education to secondary administrators and teachers.

History. Acts 2011, No. 743, § 1; 2017, No. 554, § 1; 2019, No. 910, §§ 1064-1066.

Amendments. The 2019 amendment substituted “Division of Career and Tech-

nical Education” for “Department of Career Education” in (a); and substituted “division” for “department” throughout (b)(1) and in (b)(4)(B).

SUBCHAPTER 11 — COUNCIL ON POSTSECONDARY EDUCATION AND CAREER READINESS

SECTION.

6-5-1102. Council on Postsecondary Education and Career Readiness established — Membership — Meetings.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-5-1102. Council on Postsecondary Education and Career Readiness established — Membership — Meetings.

(a) This subchapter establishes the Council on Postsecondary Education and Career Readiness to facilitate the collaboration of kindergarten, elementary, secondary, and postsecondary educational institutions in Arkansas in developing college and career readiness standards that align school curriculum and graduation standards with postsecondary education requirements and business community expectations for employability.

(b) The council shall consist of eleven (11) members as follows:

(1) The Commissioner of Elementary and Secondary Education or his or her designee;

(2) The Director of the Division of Higher Education or his or her designee;

(3) The Director of the Division of Career and Technical Education or his or her designee;

(4) The Director of the Arkansas Economic Development Commission or his or her designee;

(5) The Director of the Division of Workforce Services or his or her designee;

(6) A president or chancellor of an Arkansas four-year institution of higher education or his or her designee, appointed annually by the Director of the Division of Higher Education;

(7) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;

(8) The Executive Director of Arkansas Community Colleges or his or her designee;

(9) The Executive Director of the Arkansas Education Association or his or her designee;

(10) The Executive Director of the Arkansas School Boards Association or his or her designee; and

(11) The President of the Arkansas State Chamber of Commerce and the Associated Industries of Arkansas or his or her designee.

(c)(1) The Commissioner of Elementary and Secondary Education or his or her designee shall call the first meeting of the council and serve as chair for the first meeting.

(2) The first meeting shall occur within thirty (30) days of the effective date of this subchapter.

(d) At the first meeting of the council and annually thereafter, the voting members of the council shall elect one (1) member to serve as chair for one (1) year.

(e)(1) All members are voting members except the chair, who may vote only to break a tie vote.

(2) A majority of the members shall constitute a quorum for the transaction of business.

(f) The council shall meet at least three (3) times in a calendar year.

(g) The Department of Education shall provide meeting space and staff for the council.

(h) Council members shall serve without pay and shall not receive expense reimbursement except from the agency or institution employing the member.

History. Acts 2013, No. 585, § 1; 2015 (1st Ex. Sess.), No. 7, § 67; 2015 (1st Ex. Sess.), No. 8, § 67; 2019, No. 910, §§ 135, 1067-1069.

Amendments. The 2019 amendment substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (b)(1) and (c)(1); substituted “Division of Higher Education” for “Department of Higher Education” in (b)(2) and (b)(6); substituted “Di-

vision of Career and Technical Education” for “Department of Career Education” in (b)(3); deleted “Executive” preceding “Director” in (b)(4); substituted “Division of Workforce Services” for “Department of Workforce Services” in (b)(5); and deleted “Department of Higher Education, and Department of Career Education, alternating each year” following “Department of Education” in (g).

SUBCHAPTER 12 — ADVANCED PLACEMENT TRAINING AND INCENTIVE PROGRAM

SECTION.

6-5-1202. Purpose of the Advanced Placement Training and Incentive Program — Grant funding.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-5-1202. Purpose of the Advanced Placement Training and Incentive Program — Grant funding.

(a) The purpose of the Advanced Placement Training and Incentive Program is to:

- (1) Prepare more students for:
 - (A) Success in higher education;
 - (B) Postsecondary training; and
 - (C) Careers in science, technology, engineering, and mathematics;
- (2) Increase the number of students who graduate from institutions of higher education; and
- (3) Support and enhance Advanced Placement initiatives already operating in the state.

(b)(1) The Division of Elementary and Secondary Education shall provide grant funding to organizations that implement measures to achieve the goals of the Advanced Placement Training and Incentive Program.

(2) An organization that receives grant funding to implement the Advanced Placement Training and Incentive Program under this subchapter shall:

- (A) Be affiliated with the National Math and Science Initiative; and
 - (B) Have demonstrated success with an Advanced Placement Training and Incentive Program.
- (3) An organization that receives grant funding to provide the Advanced Placement Training and Incentive Program may:
- (A) Develop public-private partnerships to advance math and science learning opportunities;
 - (B) Generate revenue from public or private sector entities to support other opportunities; or
 - (C) Accept grants, donations, gifts, or bequests.

(c) Grant funding provided by the division to an organization under this subchapter shall be used to:

- (1) Support and enhance the Advanced Placement Training and Incentive Program;
- (2) Pay for personal services and operating expenses required to carry out the Advanced Placement Training and Incentive Program; and
- (3) Pay for technology, materials, and other resources used in the Advanced Placement Training and Incentive Program.

History. Acts 2013, No. 625, § 1; Acts 2019, No. 910, §§ 1070, 1071.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (b)(1); and substituted "division" for "department" in (c).

SUBTITLE 2. ELEMENTARY AND SECONDARY EDUCATION GENERALLY

CHAPTER 10

GENERAL PROVISIONS

SECTION.

- 6-10-106. Uniform dates for beginning and end of school year — Definition.
- 6-10-108. Twelve-month school year — Definition.
- 6-10-110. Fire marshal program.
- 6-10-111. Equity Assistance Center.
- 6-10-117. Four-day school week — Definition.
- 6-10-118. Information about the availability of ARKids First.
- 6-10-119. Medicaid billing.
- 6-10-121. Tornado and earthquake safety drills — Definition.
- 6-10-122. Automated external defibrillators required.
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SECTION.

- 6-10-125. School district floor plan on file with emergency management coordinator — Definition.
- 6-10-127. Making up missed school days.
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- 6-10-129. Efficiency in reporting — Definitions.
- 6-10-131. Immunity.
- 6-10-133. Bleeding control training.
- 6-10-134. Notification to school district of the adjudication or conviction of a minor — Confidentiality — Definition.
- 6-10-135. A Day of Prayer for Arkansas Students.
- 6-10-136. Star-Spangled Banner Act.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

RESEARCH REFERENCES

ALR. Tort Liability of Private Schools and Institutions of Higher Learning for

Educational Malpractice. 18 A.L.R.7th Art. 7 (2017).

**6-10-106. Uniform dates for beginning and end of school year —
Definition.**

(a)(1)(A) Beginning with the 2022-2023 school year, the first day of the school year for student attendance in public elementary and secondary schools shall not be earlier than the Monday two (2) weeks before Labor Day.

(B) The date for beginning the school year shall be determined by the board of directors of each school district in accordance with subdivision (a)(1)(A) of this section.

(C) Labor Day shall be celebrated as a school holiday in all the school districts of the state, and school shall not be held on that date.

(D) As used in this section, "week" means a seven-day period that begins on a Sunday and ends on a Saturday.

(2)(A) The Division of Elementary and Secondary Education may grant a school district a waiver to begin school on a later date if the division determines that there exists a material and substantial reason for the school district to begin school on a later date due to very exceptional or emergency circumstances such as a contagious disease outbreak, inclement weather, or other acts of God.

(B) The division shall not grant a public school district a waiver under § 6-15-103 to begin school on an earlier date.

(b) Contracts of employment for employees in licensed personnel positions and employees in nonlicensed personnel positions of school districts may require school district employees to begin performance under their contract of employment before the first day of student attendance.

(c)(1) If the school year in any school district extends beyond the date observed as Memorial Day, such date shall be a holiday in the school district.

(2) Provided, upon approval of the division, this date may be used as a make-up day in any school district which has unavoidably lost more than five (5) scheduled days of student attendance during the course of the school year due to contagious disease outbreaks, inclement weather, or other acts of God.

(d)(1) A public school district that provides a week-long holiday for spring break shall schedule the spring break holiday for five (5) consecutive school days beginning on the Monday of the thirty-eighth week of the school year.

(2) The thirty-eighth week of the school year shall be calculated by counting as week one the first week in July that begins on a Sunday.

(3) Nothing in this subsection shall prevent a public school district from providing fewer than five (5) consecutive school days for the spring break holiday to comply with the division's requirement for a minimum number of days for student attendance under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(e) The division shall not grant a waiver from the requirements of this section unless this section specifically authorizes the waiver.

(f) Except as provided under subsection (g) of this section, a school district shall adopt an academic calendar that includes five (5) make-up days, in addition to the number of student-teacher interaction days required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the State Board of Education, for days unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God.

(g)(1) Beginning with the 2022-2023 school year, a public school district board of directors may elect to implement an alternate school calendar.

(2)(A) An alternate school calendar implemented under subdivision (g)(1) of this section shall consist of:

(i) At least one thousand sixty-eight (1,068) hours of instructional time; and

(ii)(a) At least thirty (30) make-up hours, in addition to the number of hours required of instructional time, for days unavoidably lost due to exceptional or emergency circumstances resulting from inclement weather.

(b) If additional make-up hours are needed, the public school district board of directors shall modify its alternate school calendar to include make-up hours for the additional hours needed.

(B) However, there shall not be a minimum number of school days required to meet the required one thousand sixty-eight (1,068) hours of instructional time.

(3) A public school district board of directors that elects to implement an alternate school calendar under subdivision (g)(1) of this section shall:

(A) Notify the division by July 1 of each year that the public school district intends to implement the alternate school calendar;

(B) Post the alternate school calendar on the public school district's website by August 1 of each year that the public school district intends to implement the alternate school calendar;

(C) Input into eSchool, eFinance, or the Arkansas Public School Computer Network all data that:

(i) Affects the average daily membership of the public school district; and

(ii) Ensures compliance with the required minimum number of school instructional hours under subdivision (g)(2)(A)(i) of this section; and

(D)(i) Not be eligible for the use of alternative methods of instruction granted under § 6-10-127.

(ii) However, a public school district that implements an alternate school calendar under subdivision (g)(1) of this section may submit an application to operate a virtual learning option.

(4) The total number of instructional hours under an alternate school calendar shall be converted to school days for purposes of the:

(A) Number of days required in a teacher employment basic contract under § 6-17-2402(1);

(B) Number of days counted during the official reporting period for attendance under § 6-18-213(b)(1); and

(C) Average daily membership calculated under § 6-20-2303(3).

(5) The division may promulgate rules as necessary to administer this section.

History. Acts 1983 (1st Ex. Sess.), No. 6, §§ 1, 2; A.S.A. 1947, §§ 80-1506.1, 80-1506.2; Acts 1989, No. 461, § 1; 1993, No. 103, § 1; 2009, No. 424, § 1; 2009, No. 1469, § 1; 2011, No. 46, § 1; 2011, No. 65, § 1; 2013, No. 75, § 1; 2013, No. 1073, § 1; 2013, No. 1138, § 2; 2019, No. 910, §§ 1072-1075; 2021, No. 688, §§ 1-3.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2); and substituted "division" for "department" in (a)(2), (c)(2),

and (e) and made a similar change in (d)(3).

The 2021 amendment rewrote (a)(1)(A); in (a)(1)(B), substituted "each school district" for "the school district" and added "in accordance with subdivision (a)(1)(A) of this section"; added (a)(2)(B) and redesignated former (a)(2) as (a)(2)(A); in (a)(2)(A), substituted "on a later date" for "on an earlier or later date" twice; added "Except as provided under subsection (g)" in (f); added (g); and made a stylistic change.

6-10-108. Twelve-month school year — Definition.

(a) It is found and determined by the General Assembly that public school facilities in the state are now effectively utilized only nine (9) or ten (10) months each year and that such facilities could be more efficiently utilized and educational opportunities in the various school districts could be enhanced by the establishment and operation of educational programs on a twelve (12) month per year basis. It is therefore the intent and purpose of this section to authorize public schools to initiate and maintain public school educational programs on a twelve-month basis.

(b) As used in this section, unless the context otherwise requires, "twelve-month year-round educational program" means an educational program in which all students attend school no less than the number of days required by the Standards for Accreditation of Arkansas Public Schools and School Districts between July 1 and June 30 of each school year and in which no vacation, including summer, lasts more than seven (7) weeks.

(c)(1) The board of directors of any school district is authorized to initiate and maintain a twelve-month year-round educational program in any or all of the public schools in the school district.

(2) However, any school district which does not elect to operate on a twelve-month basis must start school in accordance with the provisions of § 6-10-106.

(d)(1) The State Board of Education is authorized to establish appropriate standards, guidelines, and rules for the determination of average daily membership of school districts and for the distribution of state foundation funding and other forms of state aid and financial assistance to each local school district that elects to operate the public schools of the school district on a twelve-month basis, in order to provide the school district with an equitable share of the state founda-

tion funds designated to equate a twelve-month school operation by the school district to the educational opportunities provided by a school district offering nine (9) months of public school instruction.

(2) However, the school district shall not receive any more state foundation funding for offering twelve (12) months of public school instruction than it would have received for offering nine (9) months of public school instruction.

History. Acts 1985, No. 178, §§ 1-3; A.S.A. 1947, §§ 80-1572 — 80-1574; Acts 1993, No. 294, § 3; 1993, No. 446, § 1; 1999, No. 391, § 1; 2005, No. 2121, § 1; 2015, No. 141, § 1; 2019, No. 315, § 178.

Amendments. The 2019 amendment substituted “and rules” for “rules, and regulations” in (d)(1).

6-10-110. Fire marshal program.

(a) The Division of Elementary and Secondary Education is authorized and directed to cooperate with and assist local school districts in this state in the establishment of an Arkansas school fire marshal program.

(b) Such program shall include, but shall not be limited to, the following:

(1) A periodic review and inspection of all school buildings and facilities for fire and other hazards;

(2) Cooperation with local fire departments and other organizations and persons in making building inspections, suggesting improvements to reduce fire hazards, and disseminating information designed to make school children and the public more conscious of fire hazards;

(3) The establishment in each school of an adequate plan for evacuation in case of fire;

(4)(A) The training of school children in the means of recognizing fire hazards and of corrective steps to be taken in case of fire.

(B) Such training may include the establishment of school patrols consisting of school children who are to be constantly alert and on duty to detect fires or fire hazards; and

(5) Taking such additional action as may be necessary to promote the development of programs for fire prevention education and training.

(c) The State Board of Education shall promulgate reasonable and necessary rules for the establishment of minimum requirements to be met by the various school districts of this state for a school fire marshal program.

(d) Every school district in this state shall operate a school fire marshal program according to the requirements established by the state board, as authorized by this section.

(e)(1) If the state board determines that any school district in this state has not established and maintained an adequate school fire marshal program as required by this section and by the minimum requirements established by the state board, the state board shall notify the school district in writing of the deficiencies in the school's fire marshal program and shall notify the school district that the deficien-

cies shall be corrected within thirty (30) days from the date of receipt of the notice.

(2) If any school district fails or refuses to correct the deficiencies within the thirty (30) days as required in this subsection, the state board shall thereafter withhold ten percent (10%) of the state equalization aid of the school district until the time that the state board determines that the deficiencies have been corrected.

History. Acts 1959, No. 61, §§ 1, 2; A.S.A. 1947, §§ 80-1630, 80-1631; Acts 1999, No. 391, § 2; 2019, No. 315, § 179; 2019, No. 910, § 1076.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a).

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (c).

6-10-111. Equity Assistance Center.

(a) The Division of Elementary and Secondary Education is authorized to establish a special section within its organization, to be known as the Equity Assistance Center, designed to provide assistance to the school districts of the state in such activities as affirmative action, program accessibility, human relations, awareness, and desegregation.

(b) This assistance shall include on-site visits, workshops, program review, and any other special activity which might enable the school districts of the state to more effectively meet their civil rights responsibilities.

(c)(1) The center created by this section shall be the liaison for the division with the United States Office for Civil Rights.

(2) The center shall maintain manuals, guidelines, procedures, and other informational materials setting requirements in the area of civil rights and describing how determination of compliance is made.

(d) Annually, each local school district in the state shall provide the center assurances of compliance with civil rights responsibilities in the form and at the time as is designated by the Commissioner of Elementary and Secondary Education.

(e) The division may withhold state aid from any school district that fails to file its assurance of compliance with civil rights responsibilities by October 15 each year or fails to file any other information with a published deadline requested from school districts by the center so long as thirty (30) calendar days are given between the request for the information and the published deadline, except that thirty (30) days notice shall not be required when the request comes from a member or committee of the General Assembly.

(f) The division is authorized to develop forms and promulgate appropriate rules and procedures as may be required to implement the provisions of this section.

History. Acts 1985, No. 167, §§ 1-3; 1985, No. 231, §§ 1-3; A.S.A. 1947, §§ 5-910.5 — 5-910.7; Acts 2001, No. 1033, § 1; 2019, No. 315, § 180; 2019, No. 910, §§ 1077-1079.

Amendments. The 2019 amendment by No. 315 deleted “regulations” following “rules” in (f).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); substituted “division” for “department” in (c)(1), (e), and (f); and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (d).

6-10-117. Four-day school week — Definition.

(a) It is found and determined by the General Assembly that granting local school districts greater flexibility in scheduling instructional time can reap educational benefits for the students and financial rewards for the school district. It is the intent of this section to authorize local school districts to initiate and maintain public school educational programs on a four-day school-week basis, so long as planned instructional time is in accord with requirements established by the State Board of Education.

(b) As used in this section, “four-day school week” means an educational program in which all students attend school for four (4) days a week but no fewer than the total number of hours required by the Standards for Accreditation of Arkansas Public Schools and School Districts in a five-day school week.

(c) The board of directors of any school district is authorized to initiate and maintain a four-day school week in any or all of the public schools in the school district.

(d)(1) The State Board of Education shall establish appropriate standards, guidelines, and rules for the determination of average daily membership of school districts and for the distribution of state aid to each local school district that elects to operate any or all of the public schools of its school district on a four-day school-week basis, to provide the school district with an equitable share of aid funds designated to equate a four-day school-week operation by the school district to the educational opportunities provided by a school district offering a five-day school week.

(2) Provided, however, that a school district shall not receive any more state financial aid for offering a four-day school week of instruction than it would have received for offering a five-day school week of instruction.

History. Acts 1997, No. 1147, § 1; substituted “and rules” for “rules, and 2019, No. 315, § 181. regulations” in (d)(1).

Amendments. The 2019 amendment

6-10-118. Information about the availability of ARKids First.

(a) The Division of Elementary and Secondary Education shall cooperate with and assist local school districts in this state in the establishment of a program to inform students about health care coverage under the ARKids First Program Act, § 20-77-1101 et seq.

(b) The informational program shall:

(1) Be developed in cooperation with the Department of Human Services and any other state or community organization interested in assisting in the development and dissemination of information about the ARKids First Program to students and their parents or custodians;

(2) Include information about the eligibility guidelines and application for coverage under the program; and

(3) Provide recommended informational material to be delivered by local school districts to students and their parents or custodians.

(c) The State Board of Education shall promulgate rules to implement this informational program.

History. Acts 2005, No. 882, § 1; 2019, No. 315, § 182; 2019, No. 910, § 1080.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (c).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a).

6-10-119. Medicaid billing.

(a)(1) By May 1 of each year, the Division of Elementary and Secondary Education shall identify school districts that are underperforming in the area of direct-service Medicaid billing.

(2) The division shall direct identified school districts to increase direct-service Medicaid billing by district staff or enter into an agreement with an education service cooperative or other public or private entity for the provision of direct-service Medicaid billing services.

(b) The school district for which billing services are rendered shall pay the education service cooperative providing the billing services an amount necessary to compensate the education service cooperative for costs associated with providing the services.

(c) Nothing in this section shall be construed to restrict qualified public or private providers from developing, maintaining, or expanding service relationships with school districts.

History. Acts 2005, No. 1527, § 1; 2017, No. 745, § 2; 2019, No. 910, § 1081.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in (a)(1); and substituted “division” for “department” in (a)(2).

6-10-121. Tornado and earthquake safety drills — Definition.

(a)(1) As used in this section, “public school” means:

(A) A school that is part of a public school district under the control and management of a local school district board of directors; or

(B) An open-enrollment public charter school.

(2) “Public school” includes the Arkansas School for Mathematics, Sciences, and the Arts, the Arkansas School for the Deaf, the Arkansas School for the Blind, and juvenile detention centers.

(b) The Division of Elementary and Secondary Education shall require all public schools to conduct:

- (1) Tornado safety drills not less than three (3) times per year; and
- (2) Earthquake safety drills in areas susceptible to earthquakes.

History. Acts 2007, No. 828, § 1; 2013, No. 484, § 2; 2017, No. 745, § 3; 2019, No. 910, § 5756; 2021, No. 442, § 1.

Amendments. The 2019 amendment substituted “Division of Emergency Management” for “Arkansas Department of Emergency Management” in (b).

The 2021 amendment inserted “and earthquake” in the section heading; sub-

stituted “Division of Elementary and Secondary Education” for “Director of the Division of Emergency Management” in the introductory language of (b); added (b)(2) and the (b)(1) designation; and, in (b)(1), deleted “in the months of September, January, and February” following “per year”.

6-10-122. Automated external defibrillators required.

(a)(1) The State Board of Education shall promulgate rules to require that:

(A) Each school campus have an automated external defibrillator; and

(B) Appropriate school personnel be adequately trained on an ongoing basis.

(2) To enhance the potential life-saving capability of each automated external defibrillator, the rules shall include without limitation provisions regarding the availability of the school’s automated external defibrillator at school-related activities, such as athletic events.

(b) To minimize the financial impact on school districts, each school district may apply for a grant from the Department of Health to purchase an automated external defibrillator or related equipment or to provide training to its personnel, or any combination of purchase of an automated external defibrillator or related equipment or provision of training to personnel.

(c) The Commissioner of Elementary and Secondary Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor on or before July 1 each year regarding the implementation of this section and the status of automated external defibrillator availability on each school campus.

History. Acts 2007, No. 1598, § 1; 2009, No. 496, § 2; 2019, No. 910, § 1082; 2021, No. 544, §§ 1, 2.

Amendments. The 2019 amendment substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (c).

The 2021 amendment deleted former (a)(1)(B) and redesignated (a)(1)(C) as (a)(1)(B); deleted “After May 31, 2011” from the beginning of (a)(1)(B); and deleted “Beginning in 2011” from the beginning of (c).

6-10-123. School-based automated external defibrillator and cardiopulmonary resuscitation programs.

(a) The State Board of Education, after consultation with the Department of Health, shall develop rules based on guidelines for auto-

mated external defibrillator and cardiopulmonary resuscitation training that incorporates at least the following:

(1) Healthcare provider oversight, including planning and review of the selection, placement, and maintenance of automated external defibrillators;

(2) Appropriate training of anticipated rescuers in the use of the automated external defibrillator and in cardiopulmonary resuscitation;

(3) Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the automated external defibrillator, as they existed on January 1, 2021, and for providing cardiopulmonary resuscitation as published by the American Heart Association or the American Red Cross as they existed on January 1, 2021, or equivalent course materials;

(4) Coordination with the emergency medical services system; and

(5) An ongoing quality improvement program to monitor training and evaluate response with each use of the automated external defibrillator.

(b) Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for teachers and school personnel.

History. Acts 2009, No. 496, § 3; 2021, No. 544, § 3.

Amendments. The 2021 amendment, in (a)(3), substituted “January 1, 2021” for “January 1, 2009;” inserted “or the;” and

substituted “as they existed on January 1, 2021, or equivalent course materials” for “or in equivalent course materials, as they existed on January 1, 2009”.

6-10-125. School district floor plan on file with emergency management coordinator — Definition.

(a)(1) As used in this section, “floor plan” means a document containing:

(A) A schematic drawing of facilities and property used by each public school in the school district, including the configuration of rooms, spaces, and other physical features of buildings;

(B) The location or locations where children enrolled in each public school in the school district spend time regularly;

(C) The escape routes approved by the local fire department for each public school in the school district;

(D) The average daily attendance of children enrolled in each public school in the school district; and

(E) The contact information for at least two (2) emergency contacts for each public school in the school district.

(2) An aerial view of each public school in the school district and property used by each public school in the school district shall be included with the floor plan if available.

(b) A school district may file a copy of the school district’s floor plan with the emergency management coordinator for the local office of

emergency management or the interjurisdictional office of emergency management that serves the area where the school district is located.

(c) The emergency management coordinator shall ensure that the school district's floor plan submitted under subsection (b) of this section is available at the 911 public safety communications center and the local office of emergency management or the interjurisdictional office of emergency management that serves the area where the school district is located.

(d) The Division of Elementary and Secondary Education may adopt rules to implement this section.

History. Acts 2013, No. 1159, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d).

Amendments. The 2019 amendment

6-10-127. Making up missed school days.

(a) If a superintendent closes school for a regularly scheduled school day due to exceptional or emergency circumstances such as a contagious disease outbreak, inclement weather, or other acts of God, the superintendent may make up missed school days by adding time to the beginning or ending of a regular school day for a minimum of sixty (60) minutes.

(b)(1) The Commissioner of Elementary and Secondary Education may grant up to the equivalent of ten (10) student attendance days for public school districts that have an alternative instruction plan approved by the commissioner for the use of alternative methods of instruction, including without limitation virtual learning, on days when the public school district is closed due to exceptional or emergency circumstances such as:

(A) A contagious disease outbreak, inclement weather, or other acts of God; or

(B) A utility outage.

(2) The public school district's alternative instruction plan shall demonstrate how teaching and learning in the public school district will not be negatively impacted by the use of alternative methods of instruction under subdivision (b)(1) of this section.

History. Acts 2015, No. 286, § 1; 2017, No. 862, § 1; 2021, No. 544, § 4. inserted "Elementary and Secondary" in the introductory language of (b)(1).

Amendments. The 2021 amendment

6-10-128. School resource officers.

(a) A school district board of directors may accept from a local law enforcement agency with jurisdiction a school resource officer to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency.

(b) A school resource officer shall be a certified law enforcement officer and shall have statewide jurisdiction as described under § 16-81-118.

(c)(1) A school district board of directors that accepts a school resource officer shall enter into a memorandum of understanding with the local law enforcement agency with jurisdiction, or adopt policies and procedures if the school district has an institutional law enforcement officer as described by § 6-13-1701 et seq., that governs the school resource officer and includes without limitation:

- (A) The financial responsibilities of each party;
- (B) The chain of command;
- (C) The process for the selection of school resource officers;
- (D) The process for the evaluation of school resource officers;
- (E) The training requirements for school resource officers; and
- (F) The roles and responsibilities of school resource officers, which

shall include without limitation:

- (i) Clarification of the school resource officer's involvement in student discipline;
- (ii) The use of physical restraints or chemical sprays;
- (iii) The use of firearms; and
- (iv) Making arrests on the public school campus.

(2) The memorandum of understanding required under subdivision (c)(1) of this section shall be based on a model memorandum created by the Division of Elementary and Secondary Education and the Arkansas Center for School Safety of the Criminal Justice Institute, which shall include without limitation the requirements listed in subdivision (c)(1) of this section.

(3) The Division of Elementary and Secondary Education shall promulgate rules specifying how the adoption of a memorandum of understanding or policies and procedures shall be verified.

(d)(1) Sworn, nonsupervisory law enforcement personnel, including without limitation school resource officers, who are assigned to a public school campus during the instructional day or employed by a public school district shall:

(A) Within eighteen (18) months of being assigned or employed by the public school district:

(i)(a) Complete a forty-hour basic school resource officer training program developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(b) The training required under subdivision (d)(1)(A)(i)(a) of this section shall include without limitation:

(1) The roles and responsibilities of school resource officers in public schools;

(2) Laws that are specific to public schools and students in public schools; and

(3) Adolescent behavior and development; and

(ii)(a) Obtain certification in Youth Mental Health First Aid.

(b) Youth Mental Health First Aid certification shall be maintained and renewed every four (4) years if the school resource officer remains assigned to or employed by a public school district;

(B)(i) Within five (5) years after receiving the initial basic school resource officer training program, complete a sixteen-hour school resource officer refresher training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The school resource officer refresher training required under subdivision (d)(1)(B)(i) of this section shall be completed every five (5) years; and

(C)(i) Annually complete twelve (12) hours of public school-specific continuing education developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The Youth Mental Health First Aid training required under subdivision (d)(1)(A)(ii) of this section and the school resource officer refresher training required under subdivision (d)(1)(B) of this section shall count towards the twelve (12) hours of public school-specific continuing education required under subdivision (d)(1)(C)(i) of this section in the years during which the Youth Mental Health First Aid and school resource officer refresher trainings are completed.

(2) A school resource officer who is assigned by a public school for only extracurricular activities is exempt from the training requirements under subdivision (d)(1) of this section.

(e)(1) A public school district superintendent and public school principal who accept a school resource officer or employ an institutional officer as defined by § 6-13-1701 shall complete a one-hour school resource officer roles and responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute within nine (9) months of accepting or employing the school resource officer.

(2) Public school district personnel directly responsible for supervising a school resource officer shall complete a one-hour school resource officer roles and responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute within one (1) year of accepting or employing the school resource officer and every two (2) years thereafter.

(3) Training received by a licensed educator under subdivisions (e)(1) and (2) of this section may count towards the professional development required for renewal of an educator's license by the Division of Elementary and Secondary Education Rules Governing Professional Development.

(f)(1) The Arkansas Center for School Safety of the Criminal Justice Institute shall monitor compliance with the continuing education and training requirements under this section.

(2) A school resource officer who fails to complete any training required under this section shall be unable to serve as a school resource officer until the training required under this section is complete.

(3) A school resource officer shall not be assigned to a public school district or a public school in which the public school district superintendent or public school principal has not completed the training required under this section.

History. Acts 2015, No. 1179, § 1; by identical acts Nos. 551 and 622, added 2021, No. 551, § 1; 2021, No. 622, § 1. (c) through (f).

Amendments. The 2021 amendment

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Andrew R. Hairston, Toward the End of School Policing in Texas and Arkansas, 42 U. Ark. Little Rock L. Rev. 753 (2020).

6-10-129. Efficiency in reporting — Definitions.

(a)(1)(A) The Division of Elementary and Secondary Education or the Division of Career and Technical Education may require a school district or public school to submit data and other information deemed necessary to assure that a school district or public school is in compliance with federal and state law and rule.

(B) A required submission may be made using the Arkansas Public School Computer Network or another system specified by the Division of Elementary and Secondary Education or the Division of Career and Technical Education.

(2)(A) All divisions of the Division of Elementary and Secondary Education and the Division of Career and Technical Education shall have access to data and other information that is submitted to the Division of Elementary and Secondary Education or the Division of Career and Technical Education respectively.

(B) An employee of the Division of Elementary and Secondary Education or the Division of Career and Technical Education or a contractor acting on behalf of the Division of Elementary and Secondary Education or the Division of Career and Technical Education may only access data that is necessary to perform his or her duties.

(b) As used in this section, “data and other information” that is considered submitted includes information that is:

(1) Maintained by a school district or public school in eSchool, eFinance, or the Arkansas Public School Computer Network;

(2) Contained in any statewide data system or successor program; and

(3) Delivered to the Division of Elementary and Secondary Education or the Division of Career and Technical Education in paper format.

(c)(1) The Division of Elementary and Secondary Education or the Division of Career and Technical Education may require a school district or public school to resubmit or explain data and other information if the data or other information is determined to be inaccurate, incomplete, unclear, or not in compliance with federal or state law or rule.

(2) Except as provided under subdivision (c)(1) of this section, data and other information shall not have to be resubmitted or explained in its original format or any other format.

(d) If the Division of Elementary and Secondary Education or the Division of Career and Technical Education requires data or other information to be compiled into a format that is different from what was originally submitted by a school district or public school, the Division of Elementary and Secondary Education or the Division of Career and Technical Education shall make the necessary format changes.

(e)(1) A school district or public school may submit by electronic means any signatures required when submitting reports or data and other information to the Division of Elementary and Secondary Education and the Division of Career and Technical Education.

(2) As used in this subsection, “electronic means” means any of the following:

(A) A scanned and emailed version of a paper document;

(B) A document submitted by facsimile transmission;

(C) An electronic signature system that includes a passcode and is administered by the Division of Elementary and Secondary Education; or

(D) Other technological means approved by the Division of Elementary and Secondary Education.

History. Acts 2015, No. 1181, § 2; 2017, No. 873, § 1; 2019, No. 910, § 1084. Education” and “Division of Career and Technical Education” for “Department of Career Education” throughout the section.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

6-10-131. Immunity.

(a) A superintendent of a public school district is immune from civil liability and suit for damages for the enforcement of policies adopted by the board of directors of the public school district if the policies are in compliance with state or federal law.

(b) Personnel of the Division of Elementary and Secondary Education, including without limitation the Commissioner of Elementary and Secondary Education, are immune from civil liability and suit for damages for the enforcement of policies adopted by the State Board of Education or the Division of Elementary and Secondary Education if the policies are in compliance with state or federal law.

History. Acts 2017, No. 1040, § 1; 2019, No. 910, § 1085. ment of Education” twice, and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education”.

Amendments. The 2019 amendment, in (b), substituted “Division of Elementary and Secondary Education” for “Depart-

6-10-133. Bleeding control training.

(a) Beginning in the 2019-2020 school year, each public school shall provide bleeding control training as a component of a health course to be taught to students in grades nine through twelve (9-12).

(b) The State Board of Education, in consultation with the Department of Health, shall develop the bleeding control training required under this section using instructional materials developed or endorsed by the:

- (1) American College of Surgeons Committee on Trauma;
- (2) National Association of Emergency Medical Technicians; or
- (3) Department of Health.

(c) The Division of Elementary and Secondary Education may promulgate rules to enforce this section.

History. Acts 2019, No. 245, § 1.

6-10-134. Notification to school district of the adjudication or conviction of a minor — Confidentiality — Definition.

(a) For the purposes of this section, “minor” means a:

- (1) Child who is under eighteen (18) years of age; or
- (2) Person who is eighteen (18) years of age or older and a student in a public secondary school.

(b) Upon receiving a written request, a court may provide information concerning the disposition of a minor who has been adjudicated delinquent or convicted of a criminal offense to the school superintendent or the designee of the school superintendent of the school district to which the minor transfers, in which the minor is enrolled, or from which the minor receives services.

(c) A prosecuting attorney shall notify the school superintendent or the designee of the school superintendent of the school district to which a minor transfers, in which the minor is enrolled, or from which the minor receives services if the minor is adjudicated delinquent for or convicted of:

- (1) An offense involving a deadly weapon under § 5-1-102;
- (2) Kidnapping under § 5-11-102;
- (3) Battery in the first degree under § 5-13-201;
- (4) Sexual indecency with a child under § 5-14-110;
- (5) First, second, third, or fourth degree sexual assault under §§ 5-14-124 — 5-14-127; or
- (6) The unlawful possession of a handgun under § 5-73-119.

(d) Information provided under subsections (b) and (c) of this section shall not be released in violation of any state or federal law protecting the privacy of the minor.

(e)(1) An arresting agency shall orally notify the superintendent or the designee of the superintendent of the school district to which the minor transfers, in which the minor is enrolled, or from which the

minor receives services of the arrest or detention of the minor for one (1) or more of the following offenses:

- (A) An offense involving a deadly weapon under § 5-1-102;
- (B) Kidnapping under § 5-11-102;
- (C) Battery in the first degree under § 5-13-201;
- (D) Sexual indecency with a child under § 5-14-110;
- (E) First, second, third, or fourth degree sexual assault under §§ 5-14-124 — 5-14-127; or
- (F) The unlawful possession of a handgun under § 5-73-119.

(2) The notice required under subdivision (e)(1) of this section shall be provided within twenty-four (24) hours of the arrest or detention of the minor or before the next school day, whichever is earlier.

(3)(A) The superintendent of the school district in which the minor is enrolled or from which the minor receives services shall then immediately notify:

- (i) The principal of the school;
- (ii) The resource officer of the school; and
- (iii) Any other school official with a legitimate educational interest in the minor.

(B) The arrest information shall:

- (i) Be treated as confidential information; and
- (ii) Not be disclosed by the superintendent or the designee of the superintendent to any person other than a person listed in subdivision (e)(3)(A) of this section.

(C) A person listed in subdivision (e)(3)(A) of this section who is notified of the arrest or detention of a minor by the superintendent or the designee of the superintendent shall maintain the confidentiality of the information he or she receives.

(4) The arrest information shall be used by the school only for the limited purpose of obtaining services for the minor or to ensure school safety.

(f) Records of the arrest of, the detention of, investigation of, or proceedings involving a minor are confidential and are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless:

(1) Authorized by a written order of the juvenile division of circuit court;

(2) The arrest or the proceedings result in the minor being formally charged in the criminal division of circuit court for a felony; or

(3) As allowed under this section or § 9-27-320.

(g)(1) Information regarding the arrest or detention of a minor and proceedings related to the arrest or detention of the minor shall be confidential unless the exchange of information is:

(A) For the purpose of obtaining services for the minor or to ensure school safety;

(B) Reasonably necessary to achieve one (1) or both purposes; and

(C) Under a written order by the circuit court.

(2) Information regarding the arrest or detention of a minor may be given only to the following persons:

- (A) A school counselor;
- (B) A juvenile court probation officer or caseworker;
- (C) A law enforcement officer;
- (D) A spiritual representative designated by the minor or his or her parents or legal guardian;
- (E) A Department of Human Services caseworker;
- (F) A community-based provider designated by the court, the school, or the parent or legal guardian of the minor;
- (G) A Department of Health representative;
- (H) The minor's attorney or other court-appointed special advocate; or

(I)(i) A school superintendent or the designee of the superintendent of the school district to which the minor transfers, in which the minor is enrolled, or from which the minor receives services.

(ii) A school superintendent or the designee of the superintendent of the school district in which the minor is enrolled or from which the minor receives services shall immediately notify the following persons of information he or she obtains under subdivision (g)(1) of this section:

- (a) The principal of the school;
- (b) The resource officer of the school; and
- (c) Any other school official with a legitimate educational interest in the minor.

(3) A person listed in subdivision (g)(2) of this section may meet to exchange information, to discuss options for assistance to the minor, to develop and implement a plan of action to assist the minor, and to ensure school safety.

(4) The minor and his or her parent or legal guardian shall be notified within a reasonable time before a meeting and may attend any meeting of the persons referred to in subdivision (g)(2) of this section when three (3) or more individuals meet to discuss assistance for the minor or the protection of the school due to the behavior of the minor.

(5) Medical records, psychiatric records, psychological records, and related information shall remain confidential unless the minor's parent or legal guardian waives confidentiality in writing specifically describing the records to be disclosed between the persons listed in subdivision (g)(2) of this section and the purpose for the disclosure.

(6) A person listed in subdivision (g)(2) of this section who exchanges any information referred to in this section may be held civilly liable for disclosure of the information if the person does not comply with the limitations set forth in this section.

(h)(1) When a court orders a safety plan for a minor that restricts or requires supervised contact with another minor as it relates to student or school safety, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan concerning student safety be provided to the school superintendent, the designee of the superintendent, and the principal of the school district to which the minor transfers, in which the minor is enrolled, or from which the minor receives services.

(2) When a court order amends or removes any safety plan outlined in subdivision (h)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan, as it relates to student safety, be provided to the school superintendent, or his or her designee, and the principal of the school district to which the minor transfers, in which the minor is enrolled, or from which the minor receives services.

(3) A school official who receives a court order and safety plan or information concerning the court order and safety plan shall:

(A) Keep the information confidential and shall sign a statement not to disclose the information concerning the court order and safety plan that shall be kept by the superintendent or principal along with the court order and safety plan;

(B) Keep the information confidential and shall not disclose the information to a person not listed in subdivision (g)(2) of this section;

(C) Include the information in the permanent educational records of the minor; and

(D)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

(ii) A school official shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

(iii) However, the local education agency shall not under any circumstance release, disclose, or make available for inspection to the public, any college, university, institution of higher education, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record of the minor.

(4) When a minor attains an age that he or she is no longer under the jurisdiction of the juvenile division of circuit court, the safety plan and the order regarding the safety plan shall be removed from the permanent records of the minor at the local education agency and destroyed.

History. Acts 2019, No. 647, § 1.

6-10-135. A Day of Prayer for Arkansas Students.

(a) The General Assembly finds that the students of the Natural State are the state's greatest resource.

(b) The last Wednesday in September of each year shall be recognized as "A Day of Prayer for Arkansas Students".

(c) The Governor shall:

(1) Annually proclaim the last Wednesday in September of each year as "A Day of Prayer for Arkansas Students"; and

(2) Call upon the citizens of this state, in accordance with their own faith and consciences, to pray, meditate, or otherwise reflect upon the following individuals in this state:

- (A) Students;
- (B) Teachers;
- (C) School administrators; and
- (D) Schools.

(d) The Division of Elementary and Secondary Education shall annually notify public school districts and open-enrollment public charter schools regarding A Day of Prayer for Arkansas Students.

History. Acts 2021, No. 902, § 1.

6-10-136. Star-Spangled Banner Act.

(a) This section shall be known and may be cited as the “Star-Spangled Banner Act”.

(b) The General Assembly finds that:

(1) It is of the utmost importance that Arkansas youth learn the importance of the national anthem, “The Star-Spangled Banner”;

(2) The regular playing of “The Star-Spangled Banner” will foster patriotism and celebrate the common American experience; and

(3) “The Star-Spangled Banner” should be played in solemn observance and recognition for the men and women who have sacrificed their lives in defense of the American Experiment.

(c) Each school district board of directors shall:

(1) Adopt a policy requiring each public kindergarten through grade twelve (K-12) school to broadcast “The Star-Spangled Banner” at:

(A)(i) The commencement of each school-sanctioned sporting event.

(ii) However, if any part of two (2) or more school-sanctioned sporting events occur on the same day at the same school, a public school may choose to broadcast “The Star-Spangled Banner” at only one (1) of the events; and

(B) Public kindergarten through grade twelve (K-12) schools at least one (1) time each week during school hours; and

(2) Except as provided in subsection (d) of this section, select for broadcast from any recording of “The Star-Spangled Banner” that adheres to rules promulgated by the Division of Elementary and Secondary Education.

(d) A school district board of directors may adopt a policy that allows any of the following to be played at school-sanctioned sporting events, at schools during school hours, or both:

(1) The performance of “The Star-Spangled Banner” from original sheet music that adheres to division rules and is performed by a school-sanctioned band program;

(2) The performance of “The Star-Spangled Banner” from original sheet music that adheres to division rules and is performed by a school-sanctioned choral program, vocal group, or vocalist; or

(3) The performance of “The Star-Spangled Banner” by the attendees of a school-sanctioned event led by a vocalist selected by the principal of the public school hosting the school-sanctioned event.

(e) The division shall promulgate rules to implement this section.

History. Acts 2021, No. 958, § 1.

A.C.R.C. Notes. Acts 2021, No. 958, § 3, provided: "Rules.

"(a) When adopting the initial rules required under this act, the Division of Elementary and Secondary Education shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

"(1) On or before January 1, 2022; or

"(2) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon

as practicable after approval under § 10-3-309.

"(b) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rules for approval before January 1, 2022."

CHAPTER 11

EDUCATION

SUBCHAPTER.

1. STATE BOARD OF EDUCATION.
2. CAREER AND TECHNICAL EDUCATION.

SUBCHAPTER 1 — STATE BOARD OF EDUCATION

SECTION.

- 6-11-101. Members.
- 6-11-102. Commissioner of Elementary and Secondary Education.
- 6-11-103. Officers.
- 6-11-104. Meetings.
- 6-11-105. Powers and duties.
- 6-11-107. Official seal.
- 6-11-110. Uniform system of records — Reports.
- 6-11-111. Records of proceedings — Annual report.
- 6-11-113. Federal aid — Acceptance and distribution generally.

SECTION.

- 6-11-117. Copies of documents as evidence.
- 6-11-124. Statewide computer network.
- 6-11-125. Legislative intent regarding information technology.
- 6-11-126. [Repealed.]
- 6-11-127. School district boundaries.
- 6-11-128. Arkansas Public School Computer Network — Definitions.
- 6-11-129. Data to be accessible on website.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-11-101. Members.

(a) The State Board of Education shall be composed of nine (9) members:

(1) Two (2) members to be selected from each of the congressional districts of the state as they exist at the time of appointment; and

(2) One (1) member to be appointed at large from within the state.

(b)(1) The term of office of a member of the state board shall be for a single term of seven (7) years.

(2)(A) Any member appointed to the state board to fill a vacancy for an uncompleted term with less than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.

(B) No member serving three (3) or more years on the state board may be reappointed.

(3) No current or new member shall be allowed to resign in order to be appointed to a new term on the state board.

(c) The membership of the state board shall reflect the diversity in general education.

(d)(1) No person may serve as a member of the state board unless he or she is a qualified elector and is a person of high moral standards and recognized ability.

(2) Neither the Commissioner of Elementary and Secondary Education nor any candidate for public office, holder of a public office in the state, schoolteacher, county or city superintendent, employee of a state-supported college or university, or member of any board of trustees of any state institution of higher education shall serve as a member of the state board.

(e) The members of the state board shall be appointed by the Governor, subject to the confirmation of the Senate and shall take the oath of office for officers prescribed by the Arkansas Constitution.

(f)(1) Whenever a vacancy occurs in the membership of the state board, the Governor shall appoint a successor who shall serve the remainder of the unexpired term of the member that he or she succeeded, subject to all other provisions of this section.

(2) Resignation, disqualification, incapacitation from mental or physical disability or otherwise, or change in status from the eligibility requirements for membership on the state board shall automatically create a vacancy in the membership of the state board, and no such member shall thereafter exercise any of the functions of membership on the state board even though his or her successor has not been appointed.

(g)(1) Members of the state board shall be subject to removal from office by the Governor when the actions or condition of a member shall be considered as sufficient cause for removal.

(2) However, before a member may be removed for cause, this cause must have been accepted as true, good, and sufficient by a majority written vote of all members of the state board after a formal hearing at a regular or special session of the state board.

(h) The members of the state board shall serve without remuneration but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq., as follows:

(1) Actual expenses while attending regular and special meetings of the state board; and

(2) A per diem allowance when in attendance at regular or special meetings of the state board.

History. Acts 1931, No. 169, §§ 3-5; 1937, No. 244, § 1; Pope's Dig., §§ 11442 — 11445; Acts 1941, No. 127, §§ 1-4; 1959, No. 160, § 1; 1971, No. 38, § 10; 1973, No. 62, § 1; A.S.A. 1947, §§ 5-910, 80-102 — 80-105, 80-108; Acts 1993, No. 294, § 4; 1995, No. 297, § 1; 1997, No. 250, § 14; 1999, No. 885, § 1; 2003 (2nd Ex. Sess.),

No. 90, § 4; 2007, No. 344, § 1; 2009, No. 376, § 3; 2015, No. 846, § 2; 2017, No. 540, §§ 2, 3; 2019, No. 910, § 1086.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (d)(2).

6-11-102. Commissioner of Elementary and Secondary Education.

(a)(1) Subject to confirmation by the Governor, the State Board of Education is empowered to employ a person to act as the Commissioner of Elementary and Secondary Education and who shall be the administrative head of the Division of Elementary and Secondary Education.

(2) The commissioner shall serve at the pleasure of the Governor.

(3) The commissioner shall report to the Secretary of the Department of Education.

(b) The commissioner shall:

(1) Devote all of his or her time to the duties of his or her office;

(2) Act as an agent of the state board; and

(3) Perform other duties as are designated by the state board and by statute.

(c)(1) The person selected as the commissioner shall:

(A) Be a person of good moral character, recognized as a leader in the field of education, and qualified technically and by experience to direct the work of the division; and

(B) Unless a deputy commissioner meets the requirements of this subdivision (c)(1)(B), a person selected as commissioner shall:

(i) Hold a master's degree from an accredited institution;

(ii) Have had ten (10) years' experience as a teacher, five (5) of which must be of an administrative or supervisory nature; and

(iii) Hold a valid state teacher's license.

(2) No person who is related within the fourth degree of consanguinity or affinity to any member of the state board shall be eligible to serve as commissioner.

(d) It is the specific intention of this act to define and declare the commissioner to be the employee of the state board.

(e)(1) The commissioner, or a disbursing agent designated by him or her and approved by the state board, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for

the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the state board.

(3) The premium on the bond shall be paid by the state board as one of the expenses of the state board.

(f) The state shall furnish the commissioner with suitable offices.

(g)(1) The commissioner may appoint a designee to appear on behalf of the commissioner at a meeting of a board or commission of which the commissioner is a member in his or her official capacity as commissioner.

(2) The designee of the commissioner may vote on behalf of the commissioner.

History. Acts 1931, No. 169, §§ 22, 23; Pope's Dig., §§ 11461, 11462; Acts 1941, No. 127, § 7; 1949, No. 250, § 1; 1971, No. 38, § 10; A.S.A. 1947, §§ 5-910, 80-118, 80-120; Acts 1987, No. 771, § 9; 1993, No. 294, § 4; 1995, No. 297, § 2; 1999, No. 1323, § 3; 2005, No. 1672, § 2; 2013, No. 1073, § 2; 2013, No. 1138, § 4; 2015, No. 525, § 1; 2019, No. 910, §§ 1087, 1088; 2021, No. 321, § 1.

Amendments. The 2019 amendment, in (a)(1), substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" and substituted "Division of Elementary and Secondary Education" for "Department of Education"; added (a)(3); and substituted "division" for "department" in (c)(1)(A). The 2021 amendment added (g).

6-11-103. Officers.

(a) The State Board of Education shall elect one (1) of its number chair, one (1) vice chair, and such other officers as the state board deems necessary to perfect its organization.

(b) The Commissioner of Elementary and Secondary Education shall act as ex officio secretary of the state board without a vote.

History. Acts 1931, No. 169, § 7; Pope's Dig., § 11447; Acts 1941, No. 127, § 5; A.S.A. 1947, § 80-107; Acts 1987, No. 771, § 5; 1991, No. 773, § 7; 1995, No. 297, § 3; 1999, No. 1323, § 4; 2019, No. 910, § 1089.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (b).

6-11-104. Meetings.

(a) The State Board of Education shall meet a minimum of six (6) times annually.

(b) In any of its meetings before the end of the calendar year, the state board shall determine the meeting dates for the following year.

(c)(1) Special meetings may be called by the chair of the state board with no less than twenty-four (24) hours notice to the members and the Commissioner of Elementary and Secondary Education and with timely

responses from enough state board members that they will attend the meeting so as to indicate that a quorum will be present.

(2) In the absence of the chair, the commissioner shall call a meeting on the request of three (3) members of the state board with the same notice and response requirements.

(3) If both the chair and the commissioner shall be absent or refuse to call a meeting, any three (3) members of the state board may call a meeting by utilizing the same notice and response requirements in notifying the members and the office of the commissioner.

History. Acts 1931, No. 169, § 6; Pope's Dig., § 11446; Acts 1981, No. 250, § 1; 1983, No. 600, § 1; A.S.A. 1947, § 80-106; Acts 1987, No. 511, § 1; 1993, No. 294, § 4; 1997, No. 703, § 1; 1999, No. 1323, § 5; 2017, No. 745, § 4; 2019, No. 910, § 1090.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c)(1).

6-11-105. Powers and duties.

(a) The State Board of Education shall:

(1) Have general supervision of the public schools of the state;

(2) Recommend courses of study for the public schools and teacher training institutions;

(3) Issue licenses based upon credentials presented by applicants for licenses to teach in the public schools of the state;

(4) Qualify and standardize public schools and prescribe requirements for accrediting and grading public schools;

(5) Supervise the operation of school district budgets;

(6) Supervise the purchase and distribution of textbooks;

(7) Take such other action as it may deem necessary to promote:

(A) The physical welfare of school children;

(B) The organization and efficiency of the public schools of the state; and

(C) Public education and awareness about racial profiling;

(8)(A) Perform all other functions that may now or hereafter be delegated to the state board by law.

(B) However, this section shall not prohibit the state board and the Division of Elementary and Secondary Education from issuing teachers' licenses upon the results of teachers' examinations as now provided by law;

(9) Eliminate unnecessary reports and paperwork by yearly identifying and compiling a list of all reports that are required from local school districts by the division or the state board for the school year;

(10) Adopt policies to ensure, except as allowed under subsection (b) of this section, that local school districts are not required by the state board or the division to:

(A) Provide information that is already available on a division student information management system or housed within the division;

(B) Provide the same written information more than one (1) time during a school year unless the information has changed during the school year; or

(C) Complete forms for children with disabilities that are not necessary to ensure compliance with federal statutes and regulations, including, but not limited to, the Individuals with Disabilities Education Act, state mandates, and corresponding appropriations governing the provision of special education services to students with disabilities;

(11)(A) If the state board orders the takeover of a school district under authority granted under this title and also orders the removal of the school district board of directors, the state board may assume all authority of the school district board of directors as may be necessary for the day-to-day governance of the school district.

(B) The state board may designate the authority granted under this subdivision (a)(11) to the Commissioner of Elementary and Secondary Education; and

(12) Have general supervision of career and technical education.

(b) The state board may require information available on a division student information management system or require the same information twice if the state board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information.

(c) The state board may organize and, from time to time, change and alter the division into branches or sections as may be found necessary and desirable by the commissioner to perform all proper functions and to render maximum service relating to the operation and improvement of the general education programs of the state.

(d) The state board shall adopt rules for its meetings and proceedings as it deems advisable.

History. Acts 1931, No. 169, §§ 7, 14; Pope's Dig., §§ 11447, 11453; Acts 1941, No. 127, §§ 5, 6, 8; A.S.A. 1947, §§ 80-107, 80-113, 80-122; Acts 1987, No. 771, §§ 5, 11; 1999, No. 1323, §§ 6, 7; 2003, No. 413, § 1; 2005, No. 2136, § 1; 2009, No. 1473, § 1; 2011, No. 989, § 1; 2013, No. 1073, §§ 3, 4; 2013, No. 1138, §§ 5, 6; 2017, No. 745, § 5; 2019, No. 315, § 183; 2019, No. 910, §§ 1091-1096.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (d).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(8)(B); substituted "division" for "department" throughout the section; substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (a)(11)(B); and added (a)(12).

6-11-107. Official seal.

The State Board of Education shall adopt a seal, and the seal shall be used by the Commissioner of Elementary and Secondary Education to authenticate documents or copies of documents as the state board or commissioner may deem advisable.

History. Acts 1931, No. 169, § 19; Pope’s Dig., § 11458; A.S.A. 1947, § 80-109; Acts 1987, No. 771, § 6; 1999, No. 1323, § 9; 2019, No. 910, § 1097.

Amendments. The 2019 amendment substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education”.

6-11-110. Uniform system of records — Reports.

(a) The State Board of Education shall prescribe a uniform system of records to be kept by the school directors, principals, and teachers of schools.

(b) All the school officials and employees listed in subsection (a) of this section shall make reports to the Commissioner of Elementary and Secondary Education as may be designated by the state board.

History. Acts 1931, No. 169, § 18; Pope’s Dig., § 11457; A.S.A. 1947, § 80-117; Acts 1999, No. 1323, § 11; 2019, No. 910, § 1098.

Amendments. The 2019 amendment substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (b).

6-11-111. Records of proceedings — Annual report.

(a) The State Board of Education shall keep in the office of the Commissioner of Elementary and Secondary Education a complete record of the minutes of its meetings and other proceedings and annually shall make a report to the Governor that shall embody the report of the commissioner to the state board.

(b) At the opening of each regular session of the General Assembly, the Governor shall transmit to the General Assembly each annual report of the state board for each year of the biennium preceding the regular session of the General Assembly.

(c)(1) Each annual report of the state board shall be printed by the state board and distributed among the various school officers of the state or made available to public school districts by including a link to the annual report on the Division of Elementary and Secondary Education website.

(2) The annual report shall include without limitation the information required by § 6-20-2304(b).

History. Acts 1931, No. 169, §§ 17, 25; Pope’s Dig., §§ 11456, 11464; A.S.A. 1947, §§ 80-110, 80-112; Acts 1987, No. 771, § 7; 1999, No. 1323, § 12; 2007, No. 1587, § 1; 2009, No. 376, § 4; 2019, No. 910, §§ 1099, 1100.

substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (a); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (c)(1).

Amendments. The 2019 amendment

6-11-113. Federal aid — Acceptance and distribution generally.

(a)(1) The General Assembly accepts all federal aid to education that may be provided by the United States Congress.

(2) The State Board of Education is designated as the state educational authority for the purpose of representing the state in the administration of funds provided by the United States Congress.

(3) The state board is empowered to promulgate such rules and enforce such federal regulations as are necessary on the part of the state to meet any and all requirements of the United States Government in the distribution of federal aid.

(4) The state board shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of the federal funds.

(5) The state board shall perform such other functions as may be prescribed by the act providing aid.

(b) The Treasurer of State is designated to serve as trustee for such funds as may be apportioned to the State of Arkansas in this connection.

(c) The funds shall be disbursed according to the provisions of the federal act allocating them.

History. Acts 1939, No. 184, §§ 1, 2; A.S.A. 1947, §§ 80-123, 80-124; Acts 1987, No. 771, § 12; 1999, No. 1323, § 14; 2019, No. 315, § 184.

Amendments. The 2019 amendment substituted "rules and enforce such federal regulations" for "regulations" in (a)(3).

6-11-117. Copies of documents as evidence.

Copies of any papers or documents on file in the office of the Commissioner of Elementary and Secondary Education authenticated by him or her with the seal of the State Board of Education shall be admissible in evidence with the same effect as the original.

History. Acts 1931, No. 169, § 26; Pope's Dig., § 11465; A.S.A. 1947, § 80-121; Acts 1987, No. 771, § 10; 1999, No. 1323, § 15; 2019, No. 910, § 1101.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education".

6-11-124. Statewide computer network.

(a)(1) Acts 1991, No. 1034, authorizes the Board of Trustees of the Arkansas Teacher Retirement System to provide a loan to the Department of Education, now known as the "Division of Elementary and Secondary Education", for a statewide computer system capable of linking all public school systems and the division.

(2) In order to provide alternatives to accomplish the purposes of Acts 1991, No. 1034, the department, now division, is hereby authorized to enter into a contractual agreement with IMPAC Learning Systems, Inc., for the development of a statewide computer system capable of linking all public school systems and the department, now division, from funds provided by a loan from the Arkansas Teacher Retirement System.

(b) The State Board of Education shall maintain oversight authority over the approval of all standards, procedures, and specifications

determined by the department, now division, regarding the purchase or lease of the statewide computer network in addition to maintaining oversight authority over the operational aspects of the system.

(c) The Commissioner of Elementary and Secondary Education may request from the Chief Fiscal Officer of the State a transfer of appropriation authorized for school district management and statewide data collection by the General Assembly to any other line item appropriation authorized for the department, now division, for the same purpose.

History. Acts 1992 (1st Ex. Sess.), No. 4, §§ 1-4; 1999, No. 98, § 1; 2005, No. 1936, § 3; 2009, No. 376, § 5; 2019, No. 910, § 1102.

Amendments. The 2019 amendment inserted “now known as the Division of

Elementary and Secondary Education” in (a)(1); inserted “now division” in (a)(2) twice and in (b) and (c); and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (c).

6-11-125. Legislative intent regarding information technology.

(a) The General Assembly finds that the State of Arkansas has provided the encouragement and the financial means to build a foundation for an information technology network linking local school districts and the Division of Elementary and Secondary Education. The General Assembly further finds that the amount of information that local school districts and their personnel are required to furnish the division, while essential, has become increasingly burdensome. The General Assembly therefore expresses its intent and commitment to ensuring that the division utilizes and continually upgrades to the fullest extent possible the information technology network linking the various school districts and the division.

(b) [Repealed.]

History. Acts 1997, No. 249, §§ 1, 2; 1999, No. 1323, § 16; 2019, No. 315, § 185; 2019, No. 757, § 1; 2019, No. 910, § 1103.

A.C.R.C. Notes. The repeal of (b) by Acts 2019, No. 757 supersedes the amendments of § 6-11-125(b) by Acts 2019, No. 315 and Acts 2019, No. 910.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (b).

The 2019 amendment by No. 757 repealed (b).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); and substituted “division” for “department” three times in (a) and twice in (b).

6-11-126. [Repealed.]

A.C.R.C. Notes. The repeal of § 6-11-126 by Acts 2019, No. 757 supersedes the amendment of this section by Acts 2019, No. 910.

Publisher’s Notes. This section, concerning computer funds approval, was re-

pealed by Acts 2019, No. 757, § 2, effective July 24, 2019. The section was derived from Acts 1997, No. 1362, § 26; 1999, No. 1429, § 23; 2019, No. 910, § 1104.

6-11-127. School district boundaries.

The Arkansas Geographic Information Systems Office shall keep for the Commissioner of Elementary and Secondary Education a map showing the school districts with their boundaries.

History. Acts 1999, No. 1078, § 4; 2019, No. 757, § 3.

Amendments. The 2019 amendment substituted "Arkansas Geographic Information Systems Office" for "Commissioner of Education" and "for the Commissioner of Elementary and Secondary Education"

for "records showing descriptions of each school district in the state"; and deleted "the location of the schoolhouses, and the electoral zones, if any, into which each school district has been divided" following "boundaries".

6-11-128. Arkansas Public School Computer Network — Definitions.

(a)(1) As used in this section:

(A) "Arkansas Public School Computer Network" or "APSCN" means the Division of Elementary and Secondary Education's computer network system for public school district reporting of financial management data and student management data to the Division of Elementary and Secondary Education; and

(B) "Public school district" means a public school district, education service cooperative, or open-enrollment public charter school.

(2) All public school districts shall, as a minimum, use the following financial management systems applications of the Arkansas Public School Computer Network:

- (A) Fund accounting, including all activity funds;
- (B) Budget preparation;
- (C) Human resources;
- (D) Fixed assets;
- (E) Attendance;
- (F) Discipline;
- (G) Mark reporting;
- (H) Medical; and
- (I) Scheduling.

(b) The Division of Elementary and Secondary Education shall implement the use of policies, procedures, and personnel to provide for data quality and security with the Arkansas Public School Computer Network, including without limitation the following:

(1) Periodically conducting a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information, that originates in the school districts and terminates on the Division of Information Systems and Arkansas Public School Computer Network servers;

(2) Creating security plans, policies, and procedures;

(3) Monitoring the mechanism for the Arkansas Public School Computer Network's end-to-end, enterprise-wide financial and student information systems;

(4) Creating and maintaining a process for documenting and monitoring the quality of data from its source of entry into the Arkansas Public School Computer Network to any educational data repository in the Division of Elementary and Secondary Education;

(5) Establishing standards and monitor compliance with standards for all software and data testing in the Arkansas Public School Computer Network; and

(6) Developing a data quality metrics program designed to significantly reduce the number of data errors within the Arkansas Public School Computer Network's applications and data warehouse and provide reports on code changes and time availability of information, including without limitation:

(A) The number of code changes made in mid-year;

(B) The percent of prime time availability of all applications that feed data into the Arkansas Public School Computer Network and data warehouse;

(C) The percent of time availability of each school district server and local area network for use with the Arkansas Public School Computer Network's availability;

(D) Corrective actions taken on the Arkansas Public School Computer Network's applications and data warehouse;

(E) Preventive actions taken to avoid downtime and data errors;

(F) Cycle data tardiness; and

(G) Number of data corrections made during each cycle submission.

(c)(1)(A) The Division of Elementary and Secondary Education shall:

(i) Collect data from public school districts on full-time equivalents and average teachers' salaries by July 31 of each year;

(ii) Collect actual revenue and expenditure data not later than August 31 of each year; and

(iii) Require budget reporting not earlier than September 30 of each year.

(B) The Arkansas Public School Computer Network shall have the programs necessary to collect the data in this subdivision (c)(1) available to each public school district at least fifteen (15) days before the date a public school district is required to submit the data.

(2)(A) The Division of Elementary and Secondary Education shall release monthly from the Arkansas Public School Computer Network selected financial and student management data submitted by public school districts for the previous month.

(B) The General Assembly and the Division of Elementary and Secondary Education shall determine by mutual agreement what financial and student management data will be selected for the monthly release.

(C) The Division of Elementary and Secondary Education shall make the information available to the General Assembly in the Arkansas Public School Computer Network data warehouse by the tenth business day of each month.

History. Acts 2003, No. 1097, § 1; 2003, No. 1769, § 1; 2007, No. 617 § 3; 2007, No. 723, § 1; 2007, No. 724, § 1; 2009, No. 1463, § 1; 2017, No. 745, §§ 8, 9; 2019, No. 832, § 1; 2019, No. 910, §§ 1105-1110.

Amendments. The 2019 amendment by No. 832 redesignated part of (a)(1) as (a)(1)(A); added (a)(1)(B); substituted “public school districts shall” for “school districts and education service cooperatives shall” in (a)(2); and added (a)(2)(E) through (a)(2)(I).

The 2019 amendment by No. 910 substituted “Division of Elementary and Sec-

ondary Education’s” for “Department of Education’s” in (a)(1); substituted “Division of Elementary and Secondary Education” for “Department of Education” throughout the section; substituted “the Division of Information Systems” for “Department of Information Systems” in (b)(1); deleted “Beginning with the 2007-2008 school year” from the beginning of (c)(1)(A); and deleted “Beginning with the 2008-2009 school year” from the beginning of (c)(2)(A).

6-11-129. Data to be accessible on website.

(a)(1) Each school district shall make the following information and data easily identified on its website or the website of the school district’s education service cooperative, if the education service cooperative maintains the school district’s website:

(A) Current comprehensive financial data reports for school districts, including:

(i) Local and state revenue sources;

(ii) Administrator and teacher salary and benefit expenditure data;

(iii) School district balances, including legal balances and building fund balances;

(iv) Minutes of regular and special meetings of the school district board of directors;

(v) The school district budget for the ensuing year, which shall be posted on the website within thirty (30) days following the date required to be submitted to the Division of Elementary and Secondary Education;

(vi) A financial breakdown of monthly expenses of the school district;

(vii) Salary schedules for all employees, including extended contract and supplementary pay amounts;

(viii) Current contract information with all school district employees, except that Social Security numbers, telephone numbers, personal addresses, or signatures shall not be published;

(ix) The annual budget of the school district; and

(x) The annual school district statistical report; and

(B) Each school district’s personnel policies required under § 6-17-201 et seq. and § 6-17-2301 et seq.

(2) Information and data required to be made available and easily accessible on the school district’s website under this section shall:

(A) Be easily accessible through the homepage of the website under a link titled “State-Required Information” to a page on the website where the information may be found; and

- (B) Consist of the actual data for the two (2) previous school years and the projected budgeted information for the current school year.
- (3)(A) A direct link to the information required in this section shall be easily identifiable on the homepage of the website under a link titled “State-Required Information” to a page on the website where the information may be found.
- (B) Under the State-Required Information link, the school district shall subdivide the information by the categories of the information.
- (b) The division shall make the information and data required by this section available and easily accessible on the division’s website by including direct links to the websites of all Arkansas school districts.

History. Acts 2003, No. 1802, § 1; 2003 (2nd Ex. Sess.), No. 50, § 1; 2005, No. 2121, § 2; 2007, No. 54, § 1; 2007, No. 617, § 4; 2007, No. 1573, §§ 1, 48; 2009, No. 1180, § 1; 2011, No. 989, § 2; 2013, No. 228, §§ 1, 2; 2019, No. 910, §§ 1111, 1112.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1)(A)(v); and, in (b), substituted “division” for “department” and “division’s” for “department’s”.

SUBCHAPTER 2 — CAREER AND TECHNICAL EDUCATION

SECTION.

- 6-11-201. Director of the Division of Career and Technical Education.
- 6-11-202. Records of proceedings.
- 6-11-203. Vocational education.
- 6-11-204. Official seal — Copies of documents as evidence.
- 6-11-205. Federal aid — Acceptance and distribution generally.
- 6-11-206. Federal aid — Receipt and administration for school facilities.

SECTION.

- 6-11-207. Power to make plans coordinating state and federal laws.
- 6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-11-201. Director of the Division of Career and Technical Education.

(a)(1) The Director of the Division of Career and Technical Education, or a disbursing agent designated by him or her and approved by the State Board of Education, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the board.

(3) The premium on the bond shall be paid by the board as one of the expenses of the board.

(b) The state shall furnish the director with suitable offices.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2019, No. 910, § 1113.

Amendments. The 2019 amendment, in (a)(1), substituted "Division of Career

and Technical Education" for "Department of Career Education", and "State Board of Education" for "Career Education and Workforce Development Board".

6-11-202. Records of proceedings.

The State Board of Education shall keep in the office of the Director of the Division of Career and Technical Education a complete record of the minutes of its meetings and other proceedings.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2019, No. 910, § 136; 2021, No. 545, § 1.

Amendments. The 2019 amendment substituted "Director of the Office of Skills Development" for "Director of the Department of Career Education".

The 2021 amendment substituted "State Board of Education" for "Career Education and Workforce Development Board" and "Director of the Division of Career and Technical Education" for "Director of the Office of Skills Development".

6-11-203. Vocational education.

The State Board of Education shall have general supervision of vocational education in the state and shall administer and apportion any funds that come to the state for that purpose.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2021, No. 545, § 2.

Amendments. The 2021 amendment

substituted "State Board of Education" for "Career Education and Workforce Development Board".

6-11-204. Official seal — Copies of documents as evidence.

(a) The State Board of Education shall adopt a seal, and the seal shall be used by the Director of the Division of Career and Technical Education to authenticate documents or copies of documents as the board or director considers advisable.

(b) Copies of any papers or documents on file in the offices of the director authenticated by him or her with the seal of the board shall be admissible in evidence with the same effect as the original.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2019, No. 910, § 137; 2021, No. 545, § 3.

Amendments. The 2019 amendment substituted "Director of the Office of Skills Development" for "Director of the Department of Career Education" in (a).

The 2021 amendment substituted "State Board of Education" for "Career Education and Workforce Development Board" and "Director of the Division of Career and Technical Education" for "Director of the Office of Skills Development" in (a).

6-11-205. Federal aid — Acceptance and distribution generally.

(a)(1) The General Assembly accepts all federal aid to education that may be provided by the United States Congress.

(2) The Division of Career and Technical Education is designated as the state educational authority to represent the state in the administration of funds provided by the United States Congress.

(3) The State Board of Education may promulgate rules as are necessary on the part of the state to meet any requirement of the United States Government in the distribution of federal aid.

(4) The board shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of the federal funds.

(5) The board shall perform other functions as may be prescribed by the act providing aid.

(b) The Treasurer of State is designated to serve as trustee for such funds as may be apportioned to the State of Arkansas in this connection.

(c) The funds shall be disbursed according to the federal act allocating them.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2019, No. 315, § 186; 2021, No. 545, § 4.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (a)(3).

The 2021 amendment substituted "Division of Career and Technical Education" for "Career Education and Workforce Development Board" in (a)(2); and substituted "State Board of Education" for "board" in (a)(3).

6-11-206. Federal aid — Receipt and administration for school facilities.

The Division of Career and Technical Education is designated to receive and administer any federal funds made available to this state to assist local school districts in providing elementary and secondary school facilities for vocational and adult education programs.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2021, No. 545, § 5.

Amendments. The 2021 amendment

substituted "Division of Career and Technical Education" for "Career Education and Workforce Development Board".

6-11-207. Power to make plans coordinating state and federal laws.

The State Board of Education may make plans and rules as are necessary in order for this state to meet the requirements of any law enacted by the United States Congress for vocational-technical education or any supplementary federal regulations pertaining to that legislation.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1; 2019, No. 315, § 187; 2021, No. 545, § 6.

Amendments. The 2019 amendment substituted “and rules” for “rules, and regulations”.

The 2021 amendment substituted “State Board of Education” for “Career Education and Workforce Development Board”.

6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation.

(a)(1) A multiagency task force, staffed and supported by the Division of Career and Technical Education, is established and shall consist of five (5) members, including:

(A) The Commissioner of Elementary and Secondary Education or his or her designee;

(B) The Director of the Division of Career and Technical Education or his or her designee;

(C) The Director of the Division of Higher Education or his or her designee;

(D) The Secretary of the Department of Human Services or his or her designee; and

(E) The Director of the Division of Workforce Services or his or her designee.

(2) Funding for the multiagency task force shall be provided by:

(A) The Division of Career and Technical Education; or

(B) Each agency that serves on the multiagency task force, in an equal amount from available, eligible funding.

(3) The multiagency task force shall:

(A) Establish criteria and standards for a career-based curriculum to be offered in the Regional Educational Career Alternative School System for Adjudicated Youth;

(B) Formulate and recommend how to operate a Regional Educational Career Alternative School System for Adjudicated Youth; and

(C) Strive to open at least one (1) Regional Educational Career Alternative School for Adjudicated Youth in the 2013-2014 school year, upon the availability of funding.

(4) Beginning on October 1, 2011, the multiagency task force shall provide status reports to the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth one (1) time each quarter.

(b) The Regional Educational Career Alternative School System for Adjudicated Youth may consist of at least one (1) but not more than five (5) Regional Educational Career Alternative Schools for Adjudicated Youth.

(c) A Regional Educational Career Alternative School for Adjudicated Youth shall offer without limitation:

(1) At least the minimum twenty-two-credit curriculum required to obtain a diploma;

(2) Vocational education and certificates;

(3) Career education services, including a high school equivalency test;

(4) Special education services; and

(5) Support services.

History. Acts 2011, No. 1202, § 1; 2015, No. 1115, § 2; 2019, No. 910, § 1114.

Amendments. The 2019 amendment substituted “Division of Career and Technical Education” for “Department of Career Education” throughout (a); substituted “Commissioner of Elementary and Secondary Education” for “Commissioner

of Education” in (a)(1)(A); substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1)(C); substituted “Secretary” for “Director” in (a)(1)(D); substituted “Division of Workforce Services” for “Department of Workforce Services” in (a)(1)(E); and added “from available, eligible funding” in (a)(2)(B).

CHAPTER 12

COUNTY BOARDS OF EDUCATION

SUBCHAPTER.

3. RIGHTS AND DUTIES. [REPEALED.]

SUBCHAPTER 3 — RIGHTS AND DUTIES

[Repealed.]

SECTION.

6-12-317. [Repealed.]

6-12-317. [Repealed.]

Publisher’s Notes. This section, concerning the county boards of education being abolished, was repealed by Acts

2019, No. 692, § 2, effective July 24, 2019. The section was derived from Acts 2005, No. 2190, § 20.

CHAPTER 13

SCHOOL DISTRICTS

SUBCHAPTER.

1. GENERAL PROVISIONS.

6. SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY.

7. SCHOOL DISTRICT TREASURER.

8. EDUCATIONAL COMPACTS GENERALLY.

SUBCHAPTER.

9. THE PUBLIC SCHOOL EDUCATIONAL COOPERATIVE ACT OF 1981.
10. THE EDUCATION SERVICE COOPERATIVE ACT OF 1985.
11. MODEL RURAL SCHOOL CONSORTIUMS.
13. SITE-BASED DECISION MAKING.
14. CONSOLIDATION, ANNEXATION, AND FORMATION.
15. CREATION OF SCHOOL DISTRICT BY DETACHING TERRITORY FROM EXISTING SCHOOL DISTRICT.
16. PUBLIC EDUCATION REORGANIZATION ACT.
17. INSTITUTIONAL LAW ENFORCEMENT OFFICERS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-13-102. Body corporate — Name.
- 6-13-112. Responsibilities of the State Board of Education and Commissioner of Elementary and Secondary Edu-

SECTION.

- 6-13-113. School district desegregation orders — Orders.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-102. Body corporate — Name.

(a) Each school district in the state shall be a body corporate, may contract and be contracted with, and may sue and be sued in its corporate name, which shall be the name it currently has unless changed by the State Board of Education.

(b) A school district may acquire and hold real estate and other classes of property.

History. Acts 1931, No. 169, § 57; Pope's Dig., § 11490; A.S.A. 1947, § 80-402; Acts 1999, No. 1078, § 25; 2013, No. 1155, § 7; 2021, No. 544, § 5.

Amendments. The 2021 amendment substituted "currently" for "now" in (a); deleted (b); and redesignated (c) as (b).

6-13-112. Responsibilities of the State Board of Education and Commissioner of Elementary and Secondary Education regarding school districts under state authority.

(a) Within ten (10) days of the meeting of the State Board of Education at which the state board assumes authority of a school district or within ten (10) days of the date upon which the Commissioner of Elementary and Secondary Education assumes authority of a school district, the commissioner shall provide the following information to the Chair of the House Committee on Education and the Chair of the Senate Committee on Education:

(1) A clear statement of the reasons the district has been placed under the authority of the state board or the commissioner; and

(2) A clear statement of the steps necessary for the school district to remove itself from the authority of the state board or the commissioner.

(b)(1) Each quarter following the assumption of authority by the state board or commissioner, the commissioner shall provide to the Chair of the House Committee on Education and the Chair of the Senate Committee on Education a status report indicating the progress of the school district toward removing itself from the authority of the state board or the commissioner.

(2) The commissioner also shall provide a copy of the status report required under subdivision (b)(1) of this section to each member of the General Assembly who represents the area in which the school district is located.

(c) A person appointed by the state board or the commissioner to operate a school district under the authority of the state board or the commissioner shall not have previously been an administrator responsible for a school district that was placed in fiscal distress, academic distress, facilities distress, Level 5 — Intensive support, or in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(d)(1) After a school district has been under the authority of the state board or the commissioner for two (2) consecutive school years, the commissioner shall:

(A) Conduct a review of each person appointed by the state board or commissioner to operate the school district;

(B) Determine whether the person has made satisfactory progress toward removing the school district from the authority of the state board or the commissioner; and

(C) Determine whether the person should continue to operate the school district or be replaced.

(2) The commissioner shall report the results of this review to the state board and each member of the General Assembly who represents the area in which the school district is located.

(3) The report shall include a justification of the determination made under subdivision (d)(1) of this section.

History. Acts 2013, No. 1412, § 1; 2017, No. 936, §§ 3, 4; 2021, No. 544, § 6. and Secondary Education” for “Commissioner of Education” in the introductory language of (a).
Amendments. The 2021 amendment substituted “Commissioner of Elementary

6-13-113. School district desegregation orders — Orders.

- (a) By January 1, 2016, a school district that is subject to a desegregation order or desegregation-related order shall notify the Division of Elementary and Secondary Education in writing.
- (b) A school district that is subject to a desegregation order or a desegregation-related order shall include in the written notice to the division:
- (1) A copy of the desegregation order or desegregation-related order;
 - (2) The case heading and case number of each court case in which the order was entered;
 - (3) The name and location of each court that maintains jurisdiction over the order; and
 - (4) A description of the school choice student transfer desegregation obligations, if any, that the school district is subject to, related to the order.
- (c) A school district that is released from court supervision related to a desegregation order or desegregation-related order shall promptly notify the division.
- (d) A school district that fails to meet the requirements of this section is in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.
- (e) The division shall post on the division’s website all written notifications received as required by this section.

History. Acts 2015, No. 560, § 1; 2019, No. 910, § 1115. Education” in (a); substituted “division” for “department” in the introductory language of (b), in (c), and in (e); and substituted “division’s” for “department’s” in (e).
Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

SUBCHAPTER 6 — SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY

SECTION.	SECTION.
6-13-611. Vacancies generally.	6-13-631. Effect of minority population on election.
6-13-618. Organization — Disbursing officer.	6-13-634. School district board of directors — Size.
6-13-622. Publication of budget.	6-13-635. School board review and approval of salary increases — Definition.
6-13-629. Training and instruction — Reimbursement.	
6-13-630. Election by zone and at large.	

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 511, § 4: Apr. 1, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the timelines established by statute combined with the delay in the release of the most recent federal decennial census information

make it impossible for some public school districts to comply with existing statutory requirements with respect to school election timelines; that the inability for these affected public school districts to follow statutorily required timelines puts the public school districts' funding at risk and would prohibit the public school districts from performing their governmental functions; and that this act is immediately necessary to ensure the affected public school districts retain funding and are able to properly perform required duties. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-13-611. Vacancies generally.

(a) A vacancy shall occur on a school district board of directors if a board member:

(1) Moves his or her bona fide permanent residence outside the boundaries of the school district;

(2) Fails to physically attend three (3) consecutive regular meetings of the school district board of directors unless the failure is due to:

(A) Military service of the board member; or

(B) Illness of the board member that is verified by a written sworn statement of the board member's attending physician;

(3) Fails to physically attend six (6) regularly scheduled board meetings of the school district board of directors in a calendar year unless the failure is due to:

(A) Military service of the board member; or

(B) Illness of the board member that is verified by a written sworn statement of the board member's attending physician;

(4) Fails to receive the mandatory hours of training within the time frame required by § 6-13-629 unless the failure was due to:

(A) Military service of the board member; or

(B) A serious medical condition as demonstrated by a written sworn statement of the board member's treating physician;

(5) Is convicted of a felony in accordance with § 6-13-612;

(6) Is called to active military duty in accordance with § 6-13-613;

(7) Resigns from the school district board of directors; or

(8) Dies.

(b)(1) If credible evidence of a violation of subdivisions (a)(1)-(4) is presented to the president, vice president, or secretary of a school district board of directors, a majority of the members of the school district board of directors shall:

(A) Vote on whether to appoint an independent investigator to investigate the credible evidence presented; and

(B) Hold a hearing on the existence of a vacancy on the school district board of directors.

(2)(A) At least fifteen (15) days before a hearing is held under subdivision (b)(1)(B) of this section, a notice of the hearing shall be provided by personal delivery or certified mail with the return receipt signed by the addressee only requested to the board member whose eligibility is questioned so that the board member has an opportunity to speak before the other members of the school district board of directors.

(B) If the board member whose eligibility is questioned is unable to attend the hearing, he or she may:

(i) Submit no more than one (1) request in writing to the president and the secretary of the school district board of directors requesting an alternative time for the hearing, not to be later than the next regularly scheduled meeting of the school district board of directors; or

(ii) Notify the president and the secretary of the school district board of directors in writing that he or she is unable to attend the meeting in person but will send a representative to the meeting in his or her place.

(3) At a hearing held under subdivision (b)(1)(B) of this section, a majority of the members of the school district board of directors, excluding the board member whose eligibility is challenged, shall:

(A) Be presented with written or oral evidence;

(B) Act as the finder of fact to determine whether or not a vacancy exists; and

(C) Vote whether or not a vacancy exists based on the evidence at the conclusion of the hearing.

(4) A vacancy under subdivisions (a)(1)-(3) of this section does not exist until an affirmative vote has taken place under subdivision (b)(3)(C) of this section.

(5)(A) The school district board of directors shall make a record of the hearing and keep a copy of all evidence presented.

(B) A written transcript of the hearing shall be made available upon request.

(6)(A) Within ten (10) days of a vote to remove a member of the school district board of directors due to a vacancy under subdivisions (a)(1)-(3) of this section, the school district board of directors shall provide a written notification of removal to the board member who is deemed ineligible.

(B) The notice shall:

(i) Include a statement of the removal, the date of the vote, and the right to appeal;

- (ii) Be delivered personally or by registered or certified mail with the return receipt signed by the addressee only; and
- (iii) Be provided to the county clerk for the county clerk's records.
- (c) If a vacancy occurs on the school district board of directors, the vacancy shall be filled by the appointment of an individual who is a qualified elector of the school district and who resides in the same zone, if applicable, as required by the vacant position by either:
 - (1) A majority vote of the remaining directors within:
 - (A) Thirty (30) days for vacancies resulting under subdivisions (a)(1)-(7) of this section; or
 - (B) Sixty (60) days for vacancies resulting under subdivision (a)(8) of this section; or
 - (2) The county quorum court if:
 - (A) As a result of several vacancies on the school district board of directors, only a minority of board members remains; or
 - (B) The school district board of directors fails to fill the vacancy within the time permitted under subdivision (c)(1)(A) or subdivision (c)(1)(B) of this section.
- (d) If a vacancy on the school district board of directors results in an officer position being vacant, the school district board of directors shall elect no later than the next regularly scheduled meeting after the appointment of a new board member the officer position until the next general election of board officers.
- (e) An appointed director, except a director appointed to fill a vacancy under § 6-13-613, shall serve only to the next annual school election, at which time the electors shall select in the usual manner directors to serve the unexpired terms of the vacating directors.
- (f)(1) The secretary of the school district board of directors shall notify the county clerk of an appointment to the school district board of directors within five (5) days of the appointment being made.
- (2) The notice shall include the name of the appointed board member and the expiration date of his or her term.
- (g) A board member appointed under this section shall take the oath required under § 6-13-617.

History. Acts 1935, No. 30, § 4; Pope's Dig., § 11524; A.S.A. 1947, § 80-504; Acts 1991, No. 201, § 1; 1999, No. 1078, § 36; 2015, No. 843, § 1; 2015, No. 846, § 3; 2017, No. 589, § 1; 2021, No. 261, § 1.

Amendments. The 2021 amendment

added "within" in the introductory language of (c)(1); added (c)(1)(A) and (B); and substituted "the time permitted under subdivision (c)(1)(A) or subdivision (c)(1)(B) of this section" for "thirty (30) days" in (c)(2)(B).

6-13-618. Organization — Disbursing officer.

- (a) At the first regular meeting following the later of the certification of the results of the annual school election or the certification of the results of a runoff election, the board of directors of each school district shall organize by electing:
 - (1) One (1) of their number president;
 - (2) One (1) of their number vice president; and

(3) A secretary who may be, but need not be, a member of the board of directors.

(b)(1) By resolution adopted by majority vote, the board of directors shall designate one (1) of its members who shall serve as the primary board of directors disbursing officer of the school district.

(2) In addition, the board of directors may designate one (1) or more board members as an alternate board of directors disbursing officer or officers in the absence of the designated primary board of directors disbursing officer.

(3) Such a resolution must be filed with the county treasurer and the Secretary of the Department of Finance and Administration.

(c) No warrant or check other than food service or activity funds warrants or checks shall be valid in the absence of the following manual or facsimile signatures:

(1) That of the designated board member serving as disbursing officer for the school district or the designated alternate; and

(2) That of the superintendent of the school district.

History. Acts 1959, No. 78, § 1; 1967, No. 187, § 1; A.S.A. 1947, § 80-506; Acts 2003, No. 671, § 1; 2013, No. 558, § 1; 2019, No. 910, § 3364.

Amendments. The 2019 amendment substituted "Secretary" for "Director" in (b)(3).

6-13-622. Publication of budget.

(a) The requirement of Arkansas Constitution, Amendment 40, for publication of a public school district's budget shall be discharged by the board of directors of each school district by publication of the school district's budget one (1) time in a newspaper that is published in or has a bona fide circulation in the county or counties in which the school district is administered.

(b) The publication shall be made not less than sixty (60) days before the school election at which the annual ad valorem property tax for the school district is decided by the electors.

History. Acts 1951, No. 403, § 4; A.S.A. 1947, § 80-538; Acts 2003, No. 1280, § 1; 2019, No. 828, § 1.

Amendments. The 2019 amendment, in (a), substituted "a public school district's budget" for "the budget", substituted "the school district's budget" for "its budget", substituted "in a newspaper that

is published" for "in some newspaper published", inserted "or has a bona fide circulation in", inserted "or counties", and deleted "lies or, if the school district lies in more than one (1) county, in the county in which the school district" preceding "is administered".

6-13-629. Training and instruction — Reimbursement.

(a)(1)(A) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.

(B)(i) A member of a school district board of directors elected for an initial or noncontinuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected.

(ii) The hours of training or instruction required under subdivision (a)(1)(B)(i) of this section shall include:

(a) Training or instruction on how to read and interpret an audit report under subdivision (a)(3)(A)(ii)(c) of this section; and

(b) Information regarding school safety and student discipline under subdivision (a)(3)(A)(iii) of this section.

(2)(A)(i) The superintendent of each school district shall annually prepare a report of the training hours each individual school board member received to be presented to the board at the board's regular January meeting.

(ii) The superintendent's report under subdivision (a)(2)(A)(i) of this section shall be presented in a table format with a row for each individual school board member that is followed by individual columns containing the following information:

(a) The number of training hours the school board member received between January 1 and December 31 of the previous year;

(b) The number of training hours carried forward from the previous year that were eligible to be counted towards the previous year;

(c) The sum of the number of training hours described in subdivision (a)(2)(A)(ii)(a) of this section and the number of training hours described in subdivision (a)(2)(A)(ii)(b) of this section; and

(d) The total number of training hours the board member is required to receive under subdivision (a)(1) of this section.

(iii) The superintendent's report under subdivision (a)(2)(A)(i) of this section shall not include:

(a) Any training hours a board member receives after December 31 of the previous year; or

(b) The training hours a board member accrues under subdivision (a)(2)(B)(i) of this section.

(B) Members who fail to receive or carry forward the required number of training hours shall be:

(i) Permitted from January 1 through thirty (30) days following the date of the January board meeting to complete the deficient training hours; and

(ii) Suspended from participating in official business, except for school board training, until the board member obtains the deficient training hours.

(C) A board member who fails to cure the board member's training hours deficiency during the time provided under subdivision (a)(2)(B) of this section shall be removed from the board and the board member's position shall be filled in accordance with § 6-13-611 unless:

(i) The board member's failure to receive the required training during the time provided under subdivision (a)(2)(B) of this section was due to military service of the board member; or

(ii) The board member provides a written sworn statement from the board member's treating physician stating that the board member's failure to receive the required training during the time provided under subdivision (a)(2)(B) of this section was due to a serious medical condition.

(D) A board member who provides the necessary documentation under subdivision (a)(2)(C) of this section shall have until December 31 of the year following the year the board member failed to receive the required hours of training to receive both the hours of training under subdivision (a)(1) of this section for the current year and those the board member failed to obtain the previous year.

(E) The board shall not appoint the board member who failed to receive the required hours of training to fill the vacant position on the board that resulted from the board member's failure to receive the required hours of training.

(3)(A) The training and instruction required under this section shall include:

(i) Topics relevant to school laws and school operations;

(ii) The powers, duties, and responsibilities of the members of the board of directors, including without limitation:

(a) Legal requirements, including without limitation:

(1) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and

(2) Other financial laws, rules, or federal regulations designated by the Division of Elementary and Secondary Education;

(b) Role differentiation;

(c) Financial management, including without limitation how to read and interpret an audit report; and

(d) Improving student achievement; and

(iii) Information regarding school safety and student discipline.

(B) The training or instruction on how to read and interpret an audit report shall be conducted:

(i) By a person who:

(a) Is licensed to practice accounting by the Arkansas State Board of Public Accountancy;

(b) Has prior experience in conducting a school district financial audit;

(c) Is not an employee of Arkansas Legislative Audit unless the training or instruction is conducted for the boards of directors of multiple school districts; and

(d) Is not the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts;

(ii) Under the consultation or supervision of an individual who qualifies under subdivision (a)(3)(B)(i) of this section as part of a program that is provided:

(a) By an institution of higher education located in Arkansas;

(b) From instruction sponsored or approved by the Department of Education; or

(c) By an in-service training conducted by or through the Arkansas School Boards Association; and

(iii) By electronic means or in person, or both.

(4) Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward from year to year.

(5) This instruction may be received from an institution of higher education in this state, from instruction sponsored or approved by the Department of Education, or by an in-service training program conducted by or through the Arkansas School Boards Association.

(6) A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit.

(b) Local school district boards of directors are authorized to pay per diem and other necessary expenses from funds belonging to the school district and to reimburse school district board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required in subsection (a) of this section.

(c)(1) The State Board of Education shall promulgate rules, which may be included in the Standards for Accreditation of Arkansas Public Schools and School Districts, requiring that a statement of the hours of training and instruction obtained by each member of a school district board of directors in the preceding year be:

(A) Part of the comprehensive school plan and goals;

(B) Published in the same way that other components of the comprehensive school plan and goals are required to be published; and

(C) Made a part of the annual school performance report under § 6-15-1402.

(2) The State Board of Education shall promulgate rules as necessary to carry out the provisions and intent of this section.

History. Acts 1987, No. 767, §§ 1, 2; 2005, No. 1775, § 1; 2011, No. 1213, § 1; 2015, No. 568, § 1; 2017, No. 275, § 1; 2017, No. 589, § 2; 2019, No. 168, § 1; 2019, No. 315, § 188; 2019, No. 1029, § 2; 2021, No. 182, §§ 1-3.

Amendments. The 2019 amendment by No. 168 redesignated the introductory language of (a)(1)(B) as part of (a)(1)(B)(i); and rewrote (a)(1)(B)(ii).

The 2019 amendment by No. 315 substituted "rules, or federal regulations" for "or regulations" in (a)(3)(A)(i)(b) [now (a)(3)(A)(ii)(a)(2)].

The 2019 amendment by No. 1029 redesignated part of (a)(3)(A) as (a)(3)(A)(i) and (ii), and the former subdivisions accordingly; added (a)(3)(A)(iii); and made stylistic changes.

The 2021 amendment added (a)(1)(B)(ii)(b) and redesignated former provisions as (a)(1)(B)(ii)(a); rewrote (a)(2)(A); in (a)(2)(B)(i), inserted "from January 1 through" and substituted "following" for "from"; substituted "during the time provided under" for "within the thirty (30) days provided in" in the introductory language of (a)(2)(C); inserted

“during the time provided under subdivision (a)(2)(B) of this section” in (a)(2)(C)(i) and (ii); and deleted (a)(3)(A)(iii)(b) and redesignated former (a)(3)(A)(iii)(a) as (a)(3)(A)(iii).

6-13-630. Election by zone and at large.

(a)(1) The board of directors of any school district shall have the authority to provide by resolution adopted by a majority vote that a portion of the board members shall be elected by zone, at large, or a combination thereof.

(2) A candidate for a position to be elected by zones shall reside in the zone.

(3) The names of the candidates for at-large board positions shall appear upon the ballots throughout the school district.

(b) The resolution adopted by the board of directors shall prescribe the procedure for implementing the reorganization within four (4) years after the date of the passage of the resolution.

(c) Every such resolution adopted by the board of directors of such school district shall adopt a plan of election for members of the board of directors which will cause the selection procedures to be in compliance with the Voting Rights Act of 1965, 52 U.S.C. § 10301 et seq.

(d) The board of directors of the school district shall cause the resolution to be published at least ninety (90) days before the filing deadline for the next regular school election after the adoption of the resolution.

History. Acts 1989, No. 185, § 1; 2021, No. 511, § 1. substituted “ninety (90) days” for “thirty (30) days” in (d).

Amendments. The 2021 amendment

6-13-631. Effect of minority population on election.

(a) The qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.

(b)(1) At least one hundred twenty (120) days before the annual school election held in the second year after the federal decennial census, the local board of directors shall:

(A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single-member zones or from five (5) single-member zones and two (2) at large; and

(B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single-member zones in accordance with the federal Voting Rights Act of 1965, as amended.

(2) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information.

(c) A board of directors choosing to elect members of the board of directors by five (5) single-member zones and two (2) at-large positions may fill the two (2) at-large positions by drawing lots from among the current members of the board of directors.

(d)(1)(A) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.

(B) A candidate for an at-large position must be a qualified elector and a resident of the school district.

(2)(A) Except as provided in subsection (e) of this section, a member of a school district board of directors shall serve a five-year term.

(B) A term shall commence when the county court declares the results of the election by an order entered of record.

(e) At the first meeting of a new board of directors, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled each year and not more than two (2) members' terms expire each year.

(f)(1) At least ninety (90) days before the filing deadline for the annual school election held in the second year after each federal decennial census, the school district board of directors, with the approval of the county board of election commissioners of the county where the school district is administratively domiciled, shall:

(A) Divide each school district having a ten percent (10%) or greater minority population into single-member zones; and

(B)(i) File a copy of the plan with the county clerk of the county where the school district is administratively domiciled.

(ii) The plan filed with the clerk shall include a map showing the boundaries of the zones and documentation showing the population by race in each zone.

(2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.

(3) At the annual school election following the rezoning, a new school district board of directors shall be elected in accordance with procedures set forth in this section.

(g)(1) The following school districts shall be exempt from the provisions of this section:

(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;

(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(C) A school district that has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; and

(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.

(2) A school district which on August 13, 1993, was in the process of defending a lawsuit brought under the federal Voting Rights Act of 1965, as amended, shall also be exempt from the provisions of this section until such time as the lawsuit has been finally resolved.

(3)(A) A school district released from operating under a federal court order enforcing school desegregation shall comply with the provisions of this section.

(B) The school district shall use the most recent federal decennial census information to create zones pursuant to this section within one hundred eighty (180) calendar days after the release from the court order.

(h)(1)(A) On or before August 1, 2002, and every decade thereafter, each and every school district shall submit to the Division of Elementary and Secondary Education a letter stating whether or not its school district board of directors falls under this section.

(B) In that same letter, each school district that falls under this section shall state how it has complied with this section.

(C) Furthermore, in the same letter, any school district that believes that it is exempt from this section shall state under which provision it is exempt.

(2) The division shall withhold twenty percent (20%) of the annual state funds allocation to a school district not in compliance with this section.

(i) The State Board of Education is hereby authorized to adopt rules necessary for the implementation of this section.

History. Acts 1993, No. 786, § 1; 1993, No. 1169, § 1; 1994 (2nd Ex. Sess.), No. 57, § 2; 1994 (2nd Ex. Sess.), No. 58, § 2; 1999, No. 1078, § 39; 2001, No. 1716, § 1; 2009, No. 959, § 1; 2011, No. 981, § 2; 2013, No. 968, § 1; 2019, No. 315, § 189; 2019, No. 910, § 1116; 2021, No. 511, §§ 2, 3.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (i).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of

Education” in (h)(1)(A); and substituted “division” for “department” in (h)(2).

The 2021 amendment substituted “one hundred twenty (120) days before the annual school election held on the second year after the federal decennial census” for “ninety (90) days before the election” in the introductory language of (b)(1); and substituted “ninety (90) days before the filing deadline for the annual school election held on the second year” for “one hundred (100) days before the second annual school election” in the introductory language of (f)(1).

6-13-634. School district board of directors — Size.

(a)(1) A school district shall have a board of directors with five (5) members or seven (7) members.

(2) A school district may have a board of directors with nine (9) members if the school district has an average daily membership of twenty thousand (20,000) or more.

(b)(1) Subsection (a) of this section does not apply to those school districts that have a board of directors of seven (7) members, or in the case of a school district having an average daily membership of twenty thousand (20,000) or more, and having chosen to elect nine (9) members, if the school district is operating under a court order or a consolidation agreement that provides for a board of directors.

(2) Except as otherwise provided by law, a school district that elects its directors from single-member zones is subject to the requirements of this section.

(c)(1) A school district board of directors shall not have an even number of directors.

(2) No less than ninety (90) days before the next annual school election, a school district seeking to increase or decrease the number of its directors shall file a petition with the State Board of Education to establish the requisite odd number of directors.

(3) The school district shall publish notice of the filing of the petition within ten (10) days thereafter for one (1) insertion in a newspaper having a general circulation in the school district.

(4) Upon a showing that the increase or decrease will be for the benefit of the school district petitioning for it, the State Board of Education may enter an order to increase or decrease the number of directors for the school district to a number of directors provided under subsection (a) of this section.

(5) The order directing an increase or decrease shall be entered not more than sixty (60) days after the publication of the notice under subdivision (c)(3) of this section.

(6) If the number of members of a board of directors is decreased under this section, the board of directors in office on August 12 before the next regular school election shall draw lots to determine which board positions will be eliminated.

(d) Any change in the number of directors serving on a school district board of directors under this section is effective upon the directors' taking office following the next regular annual school election.

History. Acts 1999, No. 1078, § 29; 2005, No. 2151, § 13; 2013, No. 1155, § 11; 2019, No. 824, §§ 1, 2.

Amendments. The 2019 amendment rewrote (a); and substituted "membership of twenty thousand (20,000) or more, and

having chosen to elect nine (9) members, if the school district" for "attendance of twenty-four thousand (24,000) or more, nine (9) members, if that school district" in (b)(1).

6-13-635. School board review and approval of salary increases

— Definition.

(a) As used in this section, "salary increase" means an increase in the salary paid to a school district employee for performing substantially the same job functions as the employee performed before receiving the salary increase.

(b)(1)(A) A school district board of directors shall review and approve by a written resolution an increase in salary of five percent (5%) or more for a school district employee.

(B) The resolution shall include the reasons for the salary increase, which may include without limitation:

(i) A bonus that is not added to the employee's salary;

(ii) An incentive bonus provided:

(a) For National Board for Professional Teaching Standards certification under § 6-17-413;

(b) To a certified speech-language pathologist under § 6-17-413;

(c) For teacher recruitment or retention in high-priority school districts under § 6-17-811;

(d) To a master principal under § 6-17-1603; or

(e) Under another specific provision of law; or

(iii) An increase in salary received as a result of the school district employee moving into a new position with substantially different job functions.

(2)(A) The school district shall provide a certified copy of the written resolution required under this subsection to the auditor who conducts the annual financial audit of the school district.

(B) Within thirty (30) days following the date of an audit report in which an auditor notes noncompliance under this section, the school district shall provide a copy of the audit report to the Division of Elementary and Secondary Education.

(C) Annually by October 1, the division shall:

(i) Compile a list of the reports of noncompliance received under this section; and

(ii) Provide the list to the House Committee on Education and the Senate Committee on Education.

History. Acts 2013, No. 1120, § 1; 2019, No. 910, §§ 1117, 1118.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (b)(2)(B); and substituted "division" for "department" in the introductory language of (b)(2)(C).

SUBCHAPTER 7 — SCHOOL DISTRICT TREASURER

SECTION.

6-13-701. Powers and duties — Definition.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-13-701. Powers and duties — Definition.

(a) The board of directors of any school district in Arkansas is authorized to appoint a treasurer to handle the funds of the school district.

(b) The treasurer shall be appointed at a regular meeting of the board of directors.

(c) An executed certificate of appointment shall be filed with the county clerk, the county treasurer, and the Secretary of the Department of Finance and Administration.

(d) School district treasurers shall execute a surety bond in such amount as may be required by the secretary, who shall approve the bond. The premium on the bond shall be paid out of the funds of the school district.

(e) The duties of the school district treasurer shall be as follows:

(1)(A) To receive and disburse funds of the school district. Disbursements of such funds shall be made only upon:

(i) Checks or warrants signed by the disbursing officer of the school district board of directors and by the superintendent of the school district; or

(ii) The electronic transfer of funds if the electronic transfer is:

(a) Initiated by the school district; and

(b) Authorized in writing by both the disbursing officer of the board of directors and the superintendent of the school district.

(B) As an evidence of authority for disbursement of any funds, the school district treasurer shall have on hand approved:

(i) Invoices;

(ii) Payrolls that conform with written contracts on file in his or her office; and

(iii) Other appropriate documentation that indicates an authority for disbursement;

(2) To keep a record of all financial transactions of the school district on forms approved by the Division of Elementary and Secondary Education and Arkansas Legislative Audit;

(3) To make a monthly statement to the school district board of directors of the financial condition of the school district;

(4) To submit an annual statement of the affairs of the school district to the school district board of directors in July of each year;

(5) To make such financial reports to the division as are required by law;

(6) To not be interested directly or indirectly in any contract authorized by the school district board of directors;

(7) To make his or her records available at all times for inspection by any taxpayer of the school district; and

(8) To perform all duties now imposed by law upon the treasurer of a school district and to be subject to all regulations or rules.

(f)(1)(A) All local taxes of the school district shall be remitted to the county treasurer by the county collector.

(B) The county treasurer shall remit the funds in a timely manner to the school district treasurer in those school districts maintaining a school district treasurer.

(2) The school district treasurer shall issue duplicate receipts for all funds he or she receives. The original shall be transmitted to the party making the remittance, and the duplicate shall be kept by the school district treasurer.

(g)(1) As used in this section, "activity funds" means those funds whose sources of revenues are from:

(A) The sale of tickets to athletic contests or other school-sponsored activities;

(B) The sale of food, except that which is sold in the lunchroom;

(C) The sale of soft drinks, school supplies, and books; and

(D) Fees charged by clubs and organizations.

(2)(A) All school districts may maintain activity funds and school service funds at the school.

(B) All activity funds and school food service funds shall be maintained and accounted for in accordance with guidelines and procedures established by the division.

(C) The superintendent of the school maintaining activity funds and school food service funds shall be the official custodian of all activity funds and school service funds and shall be responsible and accountable for the funds.

(D) By resolution adopted by a majority vote of the local school district board of directors, the superintendent may appoint another school employee to be the cocustodian of any or all activity funds and school food service funds.

(E) The cocustodian shall also be responsible and accountable for activity funds and school food service funds maintained by the cocustodian.

(h) The county treasurer shall receive as commission for handling the funds of such school districts only twenty-five hundredths of one percent (0.25%) of all funds passing through his or her hands on which county treasurers are authorized by law to charge commissions.

(i) The records of the school district treasurers shall be audited by Arkansas Legislative Audit annually in the same manner as now provided for the auditing of county officials.

(j) The fraudulent use by the school district treasurer of any funds of the school district or by any school district board members shall constitute a Class C felony. Upon conviction, such person shall be ordered to pay in restitution an amount double the amount involved.

History. Acts 1943, No. 269, §§ 1-7; A.S.A. 1947, §§ 80-521 — 80-527; Acts 1987, No. 764, § 2; 1993, No. 294, § 7; 1995, No. 233, § 2; 1999, No. 1078, § 40; 2005, No. 1994, § 418; 2009, No. 376, § 7; 2011, No. 989, § 4; 2019, No. 315, § 190; 2019, No. 910, §§ 1119-1122.

Amendments. The 2019 amendment by No. 315 added “or rules” in (e)(8).

The 2019 amendment by No. 910 substituted “Secretary” for “Director” in (c); substituted “secretary” for “director” in (d); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (e)(2), (e)(5), and (g)(2)(B).

SUBCHAPTER 8 — EDUCATIONAL COMPACTS GENERALLY

SECTION.

6-13-808. The Arkansas Traveling Teacher Program.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-13-808. The Arkansas Traveling Teacher Program.

(a) The Arkansas Traveling Teacher Program is hereby established and shall be administered by the Division of Elementary and Secondary Education with the assistance of public school districts and education service cooperatives.

(b)(1) Pursuant to the provisions of this section, and to the extent sufficient funding is available, the following persons and public school districts may enter into an agreement to provide traveling teacher services for one (1) or more receiving school districts for one (1) or more courses required by the Standards for Accreditation of Arkansas Public Schools and School Districts and any advanced placement courses required by § 6-16-1204:

(A) A traveling teacher who is appropriately licensed in Arkansas as a teacher and employed on a full-time equivalent basis by a host school district;

(B) A host school district that is an Arkansas public school district with a student population of eight thousand (8,000) students or fewer and that desires to provide traveling teacher services to a receiving school district; and

(C) A receiving school district that is a public school district other than the host school district and that desires to receive traveling teacher services.

(2) The parties shall enter into a written agreement, in the form established by the division, that shall include without limitation the following:

(A) That the traveling teacher is to provide professional teaching services to the receiving school district for one (1) or more required courses;

(B) The amount of the bonus to be provided to the traveling teacher under subdivision (c)(1)(A) of this section;

(C) For each course to be taught under the agreement:

(i) A description of the course;

(ii) The time and day for teaching each course; and

(iii) The exact location where the course will be taught;

(D)(i) Whether the agreement is for a school semester or a school year.

(ii) No agreement shall be for a time period longer than a school year or shorter than a school semester;

(E)(i) That the receiving school district will reimburse the host school district for the time the traveling teacher is not working in the host school district.

(ii) The reimbursement shall be the receiving school district's pro rata share of the traveling teacher's time based on the hourly rate of the traveling teacher's contract with the host school district;

(F) That at all times during the period of the agreement, the traveling teacher is an employee of the host school district and is subject to the personnel policies and contractual obligations of the host school district; and

(G)(i) That sufficient time will be allowed for the traveling teacher to travel to and from the host school district and the receiving school district.

(ii) The division shall not approve an agreement under this section unless the agreement requires the traveling teacher to be physically present in the receiving school district while the traveling teacher is teaching any course specified in the agreement.

(3) The agreement shall be reviewed and approved by the division under subsection (f) of this section.

(c) To the extent the agreement is approved by the division:

(1)(A) Upon completion of the traveling teacher's services provided under the agreement and under the terms of the agreement, the host school district shall pay the traveling teacher, in addition to the amount required by the teacher's annual teacher's contract with the host school district a bonus of either:

(i) Two thousand dollars (\$2,000) for a semester agreement; or

(ii) Four thousand dollars (\$4,000) for a full school year agreement.

(B) The division shall reimburse the host school district for the amount of bonus paid to the traveling teacher; and

(2)(A) The host school district shall reimburse the traveling teacher for expenses related to travel to and from a receiving school district at the appropriate state rate of reimbursement in existence and approved by the Department of Finance and Administration for the school year in which the traveling teacher's services are provided.

(B) The division shall reimburse the host school district for the amount of travel reimbursement paid by the host school district to the traveling teacher.

(d) Neither the division nor the State of Arkansas shall be obligated or liable to reimburse any bonus or travel expenses incurred under an agreement for traveling teacher services under this section if the division has not reviewed and approved the entire agreement.

(e) The division may, if feasible and if funding is available, establish an online registry of public school teachers willing to enter into an agreement for traveling teacher services under this section with information concerning the teacher's employing school district and any course the teacher is qualified to teach.

(f)(1) All proposed agreements among a host school district, a receiving school district, and a traveling teacher shall be submitted to the division by a date certain for review and approval by the division.

(2) The division shall review each agreement with all requisite authority to approve or deny the agreement based on the provisions of law, rule, availability of funding, and discretionary determination as to the best use of state resources and funding.

(3) The division shall endeavor to consider approval of an agreement to:

(A) Place a traveling teacher with a receiving school district to maximize the efficiency of the traveling teacher's service to both the host and receiving school districts; and

(B) Minimize the extent and duration of any travel required.

(g)(1) The division shall establish any rules and agreement forms necessary for the administration of the Arkansas Traveling Teacher Program.

(2) In establishing the rules, the division shall:

(A) Prioritize the approval of agreements for traveling teacher services based on subject-area course needs;

(B) Establish appropriate travel limitations;

(C) Develop a method of equitable distribution of traveling teachers among the area's education service cooperatives; and

(D) Provide a means by which education service cooperatives may assist in facilitating traveling teachers.

(h) No provision of this section is intended or should be interpreted to waive any immunity or defense of the State of Arkansas or its various agencies, boards, or commissions and no person shall be deemed to have any legal entitlement, recourse, or cause of action against the State of Arkansas or its various agencies, boards, or commissions based on the terms, conditions, or provisions of this section.

(i) An agreement for traveling teacher services under this section is not governed by or subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

History. Acts 2007, No. 1027, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

SUBCHAPTER 9 — THE PUBLIC SCHOOL EDUCATIONAL COOPERATIVE ACT OF 1981

SECTION.

6-13-903. Powers.

6-13-904. Agents for school districts.

SECTION.

6-13-905. Board of directors.

6-13-906. Rules and reports.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-903. Powers.

(a) Public school districts in the State of Arkansas are empowered to voluntarily agree to share programs, personnel, materials, and equipment for the purpose of enlarging curriculum or services or providing new services to students in their respective school districts.

(b) The educational cooperatives are empowered to receive state, local, and federal funds that have been assigned to the educational cooperatives by the member school districts and are also empowered to spend those funds on behalf of the school districts assigning those funds.

(c) The Division of Elementary and Secondary Education shall not distribute state equalization aid directly to any educational cooperative.

History. Acts 1981, No. 860, § 3; A.S.A. 1947, § 80-472; Acts 1999, No. 391, § 4; 2019, No. 910, § 1131.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c).

6-13-904. Agents for school districts.

(a) The educational cooperatives will act as an agency for all or some of the member school districts in dealings with other governmental and private agencies.

(b) The educational cooperatives will have the power to contract and handle funds for the member school districts under conditions specified in the agreement between the member school districts and federal law and regulations and state law and rule.

History. Acts 1981, No. 860, § 4; A.S.A. substituted “federal law and regulations and state law and rule” for “federal and state law and regulation” in (b).
 1947, § 80-473; 2019, No. 315, § 191.

6-13-905. Board of directors.

(a) Each educational cooperative will be governed by a board of directors consisting of one (1) representative appointed by the board of directors of each cooperating school district.

(b) The board of directors shall be empowered to hire a director and other employees and to contract for services, supplies, and equipment.

(c) Policies for the operation of the educational cooperative will be developed by the board of directors and be filed with the Division of Elementary and Secondary Education as required by law of school districts generally.

History. Acts 1981, No. 860, § 5; A.S.A. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (c).
 1947, § 80-474; Acts 1999, No. 398, § 1; 2019, No. 910, § 1132.

Amendments. The 2019 amendment

6-13-906. Rules and reports.

(a) The educational cooperative will:

(1) Abide by all rules of the Division of Elementary and Secondary Education which apply to school districts generally; and

(2) Make all reports as required by law and rule which apply to school districts generally to the division.

(b)(1) Records of the expenditures and receipts of the educational cooperatives shall be kept in such manner and on such forms as may be specified by the division or the School Audit Section of Arkansas Legislative Audit.

(2) Reports on expenditures and receipts shall be made for the cooperative as a single agency or shall be made separately by the school districts to reflect the status of each member school district at such time and in such manner as specified by the division.

History. Acts 1981, No. 860, §§ 5, 6; A.S.A. 1947, §§ 80-474, 80-475; Acts 2019, No. 315, § 192; 2019, No. 910, § 1133. lowing “rules” in (a)(1); and substituted “rule” for “regulation” in (a)(2).
 The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

Education" in (a)(1); and substituted "Division of Elementary and Secondary Education" for "department" in (a)(2), (b)(1), and (b)(2).

SUBCHAPTER 10 — THE EDUCATION SERVICE COOPERATIVE ACT OF 1985

SECTION.

- 6-13-1002. Education service cooperatives established — Functions.
- 6-13-1004. Requests for establishment of education service cooperative — Requirements.
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SECTION.

- 6-13-1016. Annual surveys and needs assessments.
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- 6-13-1029. Fiscal distress actions.
- 6-13-1030. Removal from fiscal distress status.
- 6-13-1031. Appeal.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-1002. Education service cooperatives established — Functions.

(a)(1) The State Board of Education is authorized to establish a statewide system of not more than fifteen (15) multicounty education service cooperatives of school districts.

(2) Such education service cooperatives shall be intermediate service units in the state's elementary and secondary education system and as such shall be eligible to receive and expend funds from state and federal governments, school districts, and other public or private sources.

(b) Education service cooperatives established by this subchapter will provide to school districts which choose to use them assistance in:

(1) Meeting or exceeding accreditation standards and equalizing educational opportunities;

(2) Using educational resources more effectively through cooperation among school districts; and

(3) Promoting coordination between school districts and the Division of Elementary and Secondary Education in order to provide services

which are consistent with the needs identified by school districts and the educational priorities of the state as established by the General Assembly or the state board.

History. Acts 1985, No. 349, § 2; A.S.A. substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(3).
1947, § 80-489.1; Acts 2019, No. 910, § 1134.

Amendments. The 2019 amendment

6-13-1004. Requests for establishment of education service cooperative — Requirements.

(a) Education service cooperatives shall be established when seventy-five percent (75%) of the school districts in a proposed education service cooperative area request such action by formal resolutions filed by the school district boards of directors with the Commissioner of Elementary and Secondary Education.

(b) Each resolution shall, in addition to requesting establishment of an education service cooperative, indicate by name or position that school district's representative on the board of directors of the proposed education service cooperative.

(c) Requests must be filed by seventy-five percent (75%) of the school district boards of directors by May 1 if an education service cooperative is to be established for the following school year.

History. Acts 1985, No. 349, § 4; A.S.A. substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education in (a)".
1947, § 80-489.3; Acts 2021, No. 544, § 7.

Amendments. The 2021 amendment

6-13-1006. Board of directors.

(a) Each education service cooperative shall be governed by a board of directors consisting of one (1) representative appointed by each school district board of directors within the boundary of the education service cooperative.

(b) No school district may have official representation on more than one (1) education service cooperative board of directors.

(c) The board of directors of each established education service cooperative shall:

- (1) Function as a public corporate body;
- (2) Meet except as otherwise provided in § 6-13-1007, at least eight (8) times each year; and
- (3) Exercise general fiduciary responsibilities for the education service cooperative with regard to policies and practices which guard the integrity of the agency and maintain public trust in its operation.

(d) Such responsibilities, consistent with funds available, shall include, but not be limited to:

- (1) Employment of a director of the education service cooperative who shall serve as the nonvoting executive officer of the board of directors;

(2) Establishment of policies and procedures for the operation and management of the education service cooperative, which shall be in written form and shall be filed with the State Board of Education;

(3) Preparation of an annual budget estimating income and expenditures for programs and services in accordance with procedures established by the state board;

(4) Receipt and expenditure of funds needed to provide programs and services in the area;

(5) Making such surveys or other inquiries which may be required to determine the service needs of school districts in the education service cooperative and developing plans to provide such needed services;

(6) Employment, upon the recommendation of the director of the education service cooperative, of such personnel as may be required to provide the services requested by the school districts in the area;

(7) Implementation of policies established by the state board for the operation of education service cooperatives;

(8) Cooperation with other education service cooperatives, school districts, and other agencies to provide programs and services for children and adults residing within their respective areas;

(9) For facilities and buildings as may be required to provide authorized programs and services:

(A) Renting, leasing, purchasing, constructing, or receiving by gift;

(B) Borrowing from the revolving loan fund under § 6-20-818; or

(C) Borrowing from other sources for limited or unusual circumstances upon approval of the Commissioner of Elementary and Secondary Education and the Secretary of the Department of Finance and Administration; and

(10) Carrying out such other duties as may be required for the efficient operation of the education service cooperative for which the board of directors is responsible.

History. Acts 1985, No. 349, § 10; A.S.A. 1947, § 80-489.9; Acts 1999, No. 398, § 2; 2005, No. 1181, § 1; 2017, No. 741, § 1; 2019, No. 910, § 3365.

Amendments. The 2019 amendment

substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" and "the Secretary" for "Director" in (d)(9)(C).

6-13-1010. Director.

(a) Each education service cooperative shall be administered by a director who shall perform the following duties:

(1) Administer the programs and services of the education service cooperative;

(2) Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

(3) Prepare the budget for adoption by the education service cooperative's governing body;

(4) Direct expenditures of funds within the budget; and

(5) Perform other duties as required by the education service cooperative's governing body and the policies and rules of the State Board of Education.

(b) The director of each education service cooperative shall:

(1) Hold an administrator's license and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or

(2) Have an equivalent level of education and administrative experience and obtain the approval of the state board.

(c) The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.

History. Acts 1985, No. 349, § 16; A.S.A. 1947, § 80-489.15; Acts 2009, No. 376, § 9; 2013, No. 1073, § 5; 2013, No. 1138, § 7; 2019, No. 315, § 193.

Amendments. The 2019 amendment substituted "and rules" for "rules, and regulations" in (a)(5).

6-13-1011. Personnel generally.

(a)(1) Personnel of education service cooperatives shall be employed in accordance with laws, rules, and procedures applicable to the school districts of this state.

(2) In lieu of a salary schedule, an education service cooperative annually may submit to the Division of Elementary and Secondary Education a complete listing of all employees of the education service cooperative and each employee's position, salary, and benefits.

(b) License requirements shall be the same as those expected of persons holding similar positions in local school districts.

(c) Termination or contract nonrenewal of education service cooperative personnel shall be as provided by law for the school district personnel.

History. Acts 1985, No. 349, § 17; A.S.A. 1947, § 80-489.16; Acts 2009, No. 1289, § 1; 2013, No. 1073, § 6; 2013, No. 1138, § 8; 2019, No. 315, § 194; 2019, No. 910, § 1135.

by No. 315 deleted "regulations" following "rules" in (a)(1).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2).

Amendments. The 2019 amendment

6-13-1012. Agency personnel.

With the approval of an education service cooperative's governing body, the Commissioner of Elementary and Secondary Education may assign state educational agency personnel to that education service cooperative.

History. Acts 1985, No. 349, § 14; A.S.A. 1947, § 80-489.13; Acts 2019, No. 910, § 1136.

substituted "Commissioner of Elementary and Secondary Education" for "directors in the Department of Education".

Amendments. The 2019 amendment

6-13-1013. Policies and rules.

(a) The State Board of Education shall develop such policies and rules as may be needed for the proper administration of this subchapter consistent with the need to support and assist education service cooperatives in the delivery of services to school districts and with prudent use of available human and financial resources.

(b) The policies and rules shall include without limitation:

(1) The rules governing the operation of an education service cooperative within appropriate state and federal laws;

(2) Guidelines for settling possible disputes between school districts and in equity or jurisdictional matters relating to shared assets and services;

(3) The obligation of an education service cooperative board of directors for overseeing administrative and program expenditures; and

(4) The fiscal distress status of an education service cooperative under §§ 6-13-1027 — 6-13-1031.

History. Acts 1985, No. 349, § 14; A.S.A. 1947, § 80-489.13; Acts 2009, No. 1289, § 2; 2019, No. 315, § 195.

Amendments. The 2019 amendment substituted “and rules” for “rules, and regulations” in (a).

6-13-1014. Sharing and coordination of activities — Liaison.

(a) The Division of Elementary and Secondary Education shall encourage sharing and coordination of activities among the education service cooperatives.

(b) The Commissioner of Elementary and Secondary Education shall name a person to serve as liaison between the division and the education service cooperatives.

(c) This liaison shall provide information on resources and programs and be the general contact person in the division for the education service cooperatives.

History. Acts 1985, No. 349, § 14; A.S.A. 1947, § 80-489.13; Acts 2019, No. 910, § 1137.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

Education” in (a); substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (b); and substituted “division” for “department” in (b) and (c).

6-13-1016. Annual surveys and needs assessments.

(a) Each education service cooperative shall conduct annual surveys and needs assessments to assist the education service cooperative in its first priority of helping school districts improve their educational programs and practices.

(b) Such activities may include written surveys, visits to schools to meet with local personnel, and other means to identify local needs throughout the service area.

(c) Each education service cooperative shall work with the Division of Elementary and Secondary Education to conduct statewide surveys which complement, rather than duplicate, the work of the division.

(d) The objective shall be to obtain statewide, area, and local data with as little duplication as possible.

History. Acts 1985, No. 349, § 7; A.S.A. substituted "Division of Elementary and Secondary Education" for "Department of Education" and "division" for "department" in (c).
1947; § 80-489.6; Acts 2019, No. 910, § 1138.

Amendments. The 2019 amendment

6-13-1020. Policies and procedures — Expenditures, reports, and audits.

(a) On or before August 31 of each year, each education service cooperative shall file with the State Board of Education for the state board's approval:

(1) The policies and procedures of the education service cooperative, including without limitation the board of directors' policies and procedures for overseeing the administrative and program expenditures of the education service cooperative;

(2) A record of the education service cooperative's employment policies and practices for the year that includes without limitation:

(A) The race and sex of each person the education service cooperative employed or terminated during the year;

(B) The race and sex of every person who sought employment with the education service cooperative during the year; and

(C) The name of each person employed by the education service cooperative during the year who is related by blood or marriage to another employee or board member of the education service cooperative; and

(3)(A) A report of its receipts and expenditures made in accordance with uniform accounting procedures adopted by the Commissioner of Elementary and Secondary Education.

(B) The report shall contain without limitation:

(i) An itemization of administrative and program expenditures; and

(ii) The result of the board of directors' review of the expenditures made under its oversight function.

(b) The Division of Elementary and Secondary Education may prescribe the forms and procedures for filing the information required by subsection (a) of this section.

(c) Each education service cooperative is subject to an annual audit by the Legislative Joint Auditing Committee.

(d)(1)(A) In an annual meeting of the board of directors which must convene between May 15 and July 15, each education service cooperative shall report to its constituent school districts on the year's operations.

(B) The report also shall include information on fiscal distress under § 6-13-1027.

(2) The education service cooperative shall supplement its report with written reports to each school district and to the division on a school-by-school, service-by-service accounting basis.

(e) Following the end of each fiscal year, any balances in particular service accounts must be apportioned and returned to the schools involved or credited to their accounts for the following year.

History. Acts 1985, No. 349, § 19; A.S.A. 1947, § 80-489.18; Acts 1989, No. 610, § 1; 2009, No. 1289, § 3; 2019, No. 910, §§ 1139-1141.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (a)(3)(A); substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b); and substituted "division" for "department" in (d)(2).

6-13-1021. Evaluations — Performance rating.

(a) Each education service cooperative shall be evaluated during the 2012-2013 school year, and at least once within each five-year period, on a schedule established by the Commissioner of Elementary and Secondary Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons.

(b)(1)(A) Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, and performance and administration effectiveness.

(B) The final evaluation, including any self-evaluation, shall be included in the annual report to the Division of Elementary and Secondary Education, § 6-13-1020, and made available on the website of the education service cooperative.

(2)(A) The evaluation criteria shall be developed collaboratively between the division and the director of each education service cooperative.

(B) The evaluation criteria shall be fully implemented by September 1, 2012.

(c)(1) The report of this committee shall be filed with the education service cooperative visited, with its constituent school districts, and with the State Board of Education.

(2) The state board shall acknowledge receipt of the report and comment on any deficiencies identified in the report that should be corrected for the education service cooperative to remain eligible for base funding.

(3) The report shall identify each education service cooperative as being in one (1) of the following category levels, based on the evaluation:

(A) "Level 5", education service cooperative of excellence;

(B) "Level 4", education service cooperative exceeding standards;

(C) "Level 3", education service cooperative meeting standards;

(D) "Level 2", education service cooperative on alert; or

(E) "Level 1", education service cooperative in need of immediate improvement.

(d)(1) The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their education service cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves.

(2) An education service cooperative that receives a performance category level of Level 1 shall be reevaluated during the evaluation cycle the following year.

(3) For all education service cooperatives that receive a performance category level of Level 1 for two (2) consecutive years, the division shall:

(A) Withhold base funding to the education service cooperative; or

(B) Take over administration of the education service cooperative.

(e) The division shall promulgate rules necessary for implementing this section.

(f)(1) For each evaluation, the commissioner shall appoint the committee and designate its chairperson.

(2) The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

(A) A division staff member;

(B) A teacher;

(C) An administrator;

(D) A college staff member; and

(E) A present or former staff member of an area education service agency.

(3) In addition, the committee shall include from within the education service cooperative's area:

(A) A member of the school district board of directors;

(B) A representative of business and industry; and

(C) A school parent from each of two (2) school districts.

(4) Each education service cooperative shall pay the reasonable costs of its evaluation.

History. Acts 1985, No. 349, § 19; A.S.A. 1947, § 80-489.18; Acts 2009, No. 376, § 10; 2011, No. 739, § 1; 2019, No. 910, §§ 1142-1146.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commis-

sioner of Education" in (a); substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(1)(B) and (f)(2)(A); and substituted "division" for "department" in (b)(2)(A) and (e).

6-13-1027. Fiscal distress — Definitions.

(a) As used in this section:

(1) "Fiscal integrity" means the education service cooperative's ability to comply completely, accurately, and timely with financial management, accounting, auditing, and reporting procedures required by state law and rule or federal law and regulations; and

(2) "Material" means that the act, omission, or violation jeopardizes the fiscal integrity of the education service cooperative.

(b) Any education service cooperative that meets one (1) or more of the following criteria may be identified by the Division of Elementary and Secondary Education as being in fiscal distress upon final approval of the State Board of Education:

(1)(A) A declining balance that jeopardizes the fiscal integrity of the education service cooperative.

(B) The division shall not use capital outlay expenditures from the education service cooperative's balance for facilities to identify the education service cooperative as being in fiscal distress;

(2) A material failure to meet the education service cooperative's obligation to maintain the education service cooperative's facilities;

(3) A material violation of local, state, or federal law, state rule, or federal regulations relating to:

(A) Fire, health, or safety codes;

(B) Construction codes;

(C) Audit requirements; or

(D) Procurement, bidding, and purchasing requirements;

(4) A material failure to provide timely and accurate legally required financial reports to the division, Arkansas Legislative Audit, the General Assembly, or the Internal Revenue Service;

(5) A material failure to maintain sufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;

(6) A material default on any debt obligation;

(7) A material discrepancy between budgeted and actual expenditures; or

(8) Any other fiscal condition of the education service cooperative that the division determines materially impacts the education service cooperative's delivery of education services.

(c)(1) The division may identify an education service cooperative as being in fiscal distress at any time a fiscal condition of the education service cooperative is discovered to have a detrimental negative impact on the continuation of educational services provided by the education service cooperative.

(2)(A) If the division identifies an education service cooperative as being in fiscal distress, the division shall notify the education service cooperative in writing of the identification of fiscal distress within ten (10) calendar days.

(B) The division shall identify in the notice each criteria for fiscal distress on which the division based the identification of fiscal distress.

(C) The division shall deliver the notice by certified mail, return receipt requested, and addressed to:

(i) The president of the education service cooperative's board of directors; and

(ii) The director of the education service cooperative employed under § 6-13-1010.

(d) The identification of fiscal distress made by the division under this section may be appealed to the state board under § 6-13-1031 in

which case the final order entered upon appeal is the final classification of fiscal distress.

(e) Within two (2) weeks following the date the education service cooperative receives the final classification by the state board of fiscal distress, the education service cooperative shall:

(1) Notify in writing each public school district in its service area that the education service cooperative is classified as being in fiscal distress; and

(2) File with the division a fiscal distress plan under § 6-13-1028.

(f) An education service cooperative that is identified as being in fiscal distress shall not incur any debt without the prior written approval of the division.

(g) The education service cooperative shall include in the annual report to constituent school districts under § 6-13-1020(d) the progress the education service cooperative has made on its fiscal distress plan.

History. Acts 2009, No. 1289, § 4; 2019, No. 315, §§ 196, 197; 2019, No. 910, §§ 1147-1151.

Amendments. The 2019 amendment by No. 315 inserted “law and rule” in (a)(1); and substituted “state rule, or federal regulations” for “or regulations” in the introductory language of (b)(3).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in the introductory language of (b); and substituted “division” for “department” in (b)(1)(B), (b)(8), throughout (c), and in (d) and (e)(2).

6-13-1028. Fiscal distress plan.

(a) An education service cooperative that is classified by the State Board of Education as being in fiscal distress shall file with the Division of Elementary and Secondary Education a fiscal distress plan that:

(1) Addresses each area of fiscal distress identified by the division;

(2) Describes how the education service cooperative will remedy the areas experiencing fiscal distress; and

(3)(A) Establishes the schedule by which the education service cooperative will implement the fiscal distress plan.

(B) The fiscal distress plan implementation schedule shall not exceed two (2) years from the date of the final classification of fiscal distress.

(b) The division shall approve the fiscal distress plan before the education service cooperative implements the fiscal distress plan.

(c) An education service cooperative identified as being in fiscal distress is required to receive on-site technical evaluation and assistance from the division.

History. Acts 2009, No. 1289, § 4; 2019, No. 910, §§ 1152, 1153.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in the introductory language of (a); and substituted “division” for “department” in (b) and (c).

6-13-1029. Fiscal distress actions.

(a) To address the identified areas of fiscal distress of an education service cooperative, the Division of Elementary and Secondary Education shall:

(1)(A) Conduct an on-site evaluation and make recommendations regarding the staffing and fiscal practices of the education service cooperative.

(B) The recommendations of the division are binding on the education service cooperative;

(2) Every six (6) months during which the education service cooperative is classified as being in fiscal distress, submit to the State Board of Education a written evaluation on the fiscal status of the education service cooperative;

(3) Monitor the fiscal operations and accounts of the education service cooperative; and

(4) Require the education service cooperative administrative staff and employees to obtain instruction or training in areas of fiscal concern for the education service cooperative.

(b) The division also may take one (1) or more of the following actions:

(1) Reorganize the administrative unit of the education service cooperative by:

(A)(i) Removing and replacing the director of the education service cooperative employed under § 6-13-1010.

(ii) An individual appointed to replace the director shall administratively operate the education service cooperative under the supervision and approval of the Commissioner of Elementary and Secondary Education.

(iii) The division may compensate non-division agents operating the education service cooperative from the education service cooperative's funding; and

(B) Removing, replacing, or reassigning other administrative staff of the education service cooperative; or

(2) Impose reporting requirements on the education service cooperative.

(c) Within two (2) consecutive school years of the state board's final classification of fiscal distress, the division shall determine whether to recommend that the education service cooperative be removed from fiscal distress status.

History. Acts 2009, No. 1289, § 4; 2019, No. 910, §§ 1154-1158.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (a); substituted "division" for "depart-

ment" throughout the section; substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (b)(1)(A)(ii); and substituted "non-division" for "nondepartment" in (b)(1)(A)(iii).

6-13-1030. Removal from fiscal distress status.

(a) The Division of Elementary and Secondary Education shall certify in writing to the education service cooperative that the education service cooperative may be removed from fiscal distress status when the division determines that the education service cooperative has:

(1) Corrected all of the criteria under § 6-13-1027 that led to the classification of fiscal distress; and

(2) Complied with all division recommendations and requirements for removal from fiscal distress status.

(b)(1) Within thirty (30) days of receiving the division's certification under subsection (a) of this section, an education service cooperative may petition the State Board of Education in writing for removal from fiscal distress.

(2) An education service cooperative may not petition the state board for removal from fiscal distress status before the division makes the certification under subsection (a) of this section.

(c) Within sixty (60) days of receiving the petition for removal from fiscal distress, the state board shall deny the petition or remove the education service cooperative from fiscal distress status.

(d) If an education service cooperative fails to meet the division's requirements for removal from fiscal distress status within two (2) consecutive school years of being classified in fiscal distress, the state board shall:

(1) Reorganize the administrative unit of the education service cooperative under § 6-13-1029; or

(2)(A) Issue a written finding supported by a majority vote of the state board explaining in detail that the education service cooperative could not comply with this section due to impossibility caused by external forces beyond the education service cooperative's control.

(B) The state board shall extend the classification of fiscal distress for one (1) additional year within which time the education service cooperative shall comply with all conditions for removal from fiscal distress status under this section.

(e) Within fifteen (15) days of making a decision under this section, the state board shall notify the education service cooperative of its decision and include with the notice a copy of a written finding issued under subsection (d) of this section.

History. Acts 2009, No. 1289, § 4; 2019, No. 910, §§ 1159-1161.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in the introductory language of (a); and substituted "division" for "department" in the introductory language of (a) and in (a)(2) and (b)(2).

6-13-1031. Appeal.

(a) An education service cooperative may appeal to the State Board of Education the identification of fiscal distress under § 6-13-1027.

(b) The education service cooperative may lodge an appeal by filing a written appeal with the Commissioner of Elementary and Secondary Education by certified mail, return receipt requested, within thirty (30) days of the date the education service cooperative received notice of the identification of fiscal distress.

(c) The written appeal shall state in clear terms the reason why the education service cooperative should not be classified as being in fiscal distress.

(d) The state board shall hear the appeal within sixty (60) days of receipt of the written notice of appeal.

(e) Notwithstanding any appeal rights in this section, no appeal shall stay the state board's or the Division of Elementary and Secondary Education's authority to take action to enforce the education service cooperative's compliance with financial management, accounting, auditing, and reporting procedures required by state law or rule or federal law and regulations.

(f)(1) The decision of the state board on the appeal is a final order.

(2) There is no further right of appeal except to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2009, No. 1289, § 4; 2019, No. 315, § 198; 2019, No. 910, § 1162, 1163.

Amendments. The 2019 amendment by No. 315 inserted "law or rule" in (e).

The 2019 amendment by No. 910 substituted "Commissioner of Elementary

and Secondary Education" for "Commissioner of Education" in (b); and substituted "Division of Elementary and Secondary Education's" for "Department of Education's" in (e).

SUBCHAPTER 11 — MODEL RURAL SCHOOL CONSORTIUMS

SECTION.

6-13-1104. Powers and duties.

6-13-1106. Criteria — Contingency.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-1104. Powers and duties.

Any model rural early childhood consortium created pursuant to this subchapter shall have the authority to petition the Division of Elementary and Secondary Education or the State Board of Education for waivers from present school standards to fulfill the purposes set forth in § 6-13-1101.

History. Acts 1989, No. 886, §§ 4, 7; substituted "Division of Elementary and Secondary Education" for "Department of Education".
 1995, No. 830, § 3; 2019, No. 910, § 1164.

Amendments. The 2019 amendment

6-13-1106. Criteria — Contingency.

(a)(1) The State Board of Education shall adopt and publish criteria setting forth the application process to be followed by any model rural early childhood consortium.

(2) The Division of Elementary and Secondary Education shall determine which applications are accepted in accordance with the state board's published criteria.

(b) Implementation of the provisions of this subchapter shall be contingent upon appropriation.

History. Acts 1989, No. 886, §§ 6, 8; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2).
 1995, No. 830, § 4; 2019, No. 910, § 1165.

Amendments. The 2019 amendment

SUBCHAPTER 13 — SITE-BASED DECISION MAKING**SECTION.**

6-13-1308. Assistance by Division of Elementary and Secondary Education.

SECTION.

6-13-1309. Alternative model.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-1308. Assistance by Division of Elementary and Secondary Education.

(a) The Division of Elementary and Secondary Education may develop sample guidelines to assist local boards of directors in the development of their policies.

(b) The division may provide professional development activities to assist schools in implementing site-based decision making.

History. Acts 1995, No. 1125, § 5; Secondary Education” for “Department of Education” in the section heading and in 2019, No. 910, § 1166.

Amendments. The 2019 amendment substituted “Division of Elementary and (a); and substituted “division” for “department” in (b).

6-13-1309. Alternative model.

(a) A local school building site that chooses to have site-based decision making but wishes to be exempt from the administrative structure set forth by this subchapter may develop a model for implementing site-based decision making, including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council.

(b)(1) The local school building site shall submit the model through the local school district board of directors to the Commissioner of Elementary and Secondary Education and the State Board of Education for approval.

(2) The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, and employees of the school and that two-thirds ($\frac{2}{3}$) of the licensed employees voting in a secret ballot election have agreed to the model.

History. Acts 1995, No. 1125, § 6; substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (b)(1). 2013, No. 1138, § 12; 2021, No. 544, § 8.

Amendments. The 2021 amendment

SUBCHAPTER 14 — CONSOLIDATION, ANNEXATION, AND FORMATION

SECTION.

6-13-1403. Conditions under which State Board of Education may annex school districts.

6-13-1404. Conditions under which State Board of Education may consolidate school districts.

SECTION.

6-13-1409. State Board of Education.

6-13-1414. Boundary change by State Board of Education.

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of

the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-13-1403. Conditions under which State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected district or districts to a receiving district or districts under the following conditions:

(1) The state board, after providing thirty (30) days' written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation, failure to meet fiscal or facilities distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

(2)(A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located.

(B) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts.

(C) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

(3)(A) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected district or districts to a receiving district or districts as provided for in § 6-14-122.

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by

resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in § 6-14-122; or

(4)(A) The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts.

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

(b) The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district.

(1) The state board, after providing thirty (30) days' written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation, failure to meet fiscal distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2) Upon receipt of:

(A) A valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section; and

(B) Proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately before the time the petition is filed with the state board.

(c)(1) In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to annex a school district or districts upon a motion of the state board as allowed in subsection (b) of this section.

(d)(1) Upon determination by the state board to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving district or districts.

- (2)(A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.
- (B) It is the duty of the Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.
- (e)(1) The state board shall:
- (A) Issue an order establishing the changed boundaries; and
 - (B) File the order with the:
 - (i) County clerk of each county where a receiving district is located;
 - (ii) Secretary of State; and
 - (iii) Arkansas Geographic Information Systems Office.
- (2) The county clerk shall make a permanent record of the order.
- (3) The boundaries established under this subsection shall be the boundaries of the receiving district until changes are made according to the provisions of law.
- (f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:
- (1) The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
 - (2) The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; substituted “is” for “shall be” and “Arkansas Geographic Information Systems Office” for “Department of Education” in 2003, No. 1467, § 19; 2011, No. 989, § 6; 2013, No. 1073, § 7; 2015, No. 103, § 2; 2017, No. 936, §§ 6, 7; 2019, No. 757, § 4. (d)(2)(B).

Amendments. The 2019 amendment

6-13-1404. Conditions under which State Board of Education may consolidate school districts.

(a) The State Board of Education shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

(1) The state board, after providing thirty (30) days’ written notice to the affected districts, determines consolidation is in the best interest of the affected district or districts and the resulting district, based upon failure to meet standards for accreditation, failure to meet fiscal or facilities distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support, pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2)(A) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

(B) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

(C) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

(D) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in § 6-14-122; and

(E) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days' written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation, failure to meet fiscal distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2) May vote to approve, by a majority of a quorum present of the members of the state board, the consolidation of the affected districts into a resulting district upon receipt of:

(A) A valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section; and

(B) Proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately before the time the petition is filed with the state board.

(c)(1) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to consolidate a school district or districts on a motion of the state board as allowed in subsection (b) of this section.

(d)(1) Upon consolidation of a school district by the state board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected districts and establishing the resulting district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It is the duty of the Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

- (e)(1) The state board shall:
 - (A) Issue an order establishing the changed boundaries; and
 - (B) File the order with the:
 - (i) County clerk of each county where a resulting district is located;
 - (ii) Secretary of State; and
 - (iii) Arkansas Geographic Information Systems Office.
- (2) The county clerk shall make a permanent record of the order.
- (3) The boundaries established under this subsection shall be the boundaries of the resulting district until changes are made according to the provisions of law.
- (f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:
 - (1) The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
 - (2) The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 7; 2013, No. 1073, § 8; 2015, No. 103, § 3; 2017, No. 936, §§ 8, 9; 2019, No. 757, § 5; 2019, No. 910, § 1167.

A.C.R.C. Notes. Under the authority of § 25-43-109, this section is set out above as amended by Acts 2019, No. 757, § 5. Subdivision (d)(2)(B) was also amended by Acts 2019, No. 910, § 1167 to read as follows: "(B) It shall be the duty of the Division of Elementary and Secondary Education to make changes in the maps of

the school districts to properly show the boundary lines of the resulting district or districts."

Amendments. The 2019 amendment by No. 757 substituted "is" for "shall be" and "Arkansas Geographic Information Systems Office" for "Department of Education" in (d)(2)(B).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d)(2)(B).

6-13-1409. State Board of Education.

(a) The State Board of Education shall have the following duties regarding consolidations and annexations:

(1) To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of those school districts to another school district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;

(2) To transfer funds and attach territory that is in no school district to other school districts as may seem best for the educational welfare of the children; and

(3) To enact rules regarding the consolidation and annexation of school districts under this title.

(b) The millage rate of the electors of the affected district shall remain the same until an election may be held to change the rate of taxation for the resulting district or receiving district.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 20; 2019, No. 315, § 199.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (a)(3).

6-13-1414. Boundary change by State Board of Education.

(a)(1) The State Board of Education shall consider a petition from a local board of directors of any school district seeking an adjustment or change of boundary lines between its school district and an adjoining school district.

(2) The local board of directors must file the petition with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(b) Upon proof to the state board of public notice issued in the local newspapers of general circulation in each affected district no less than one (1) time a week for two (2) consecutive weeks, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining school districts.

(c) If the local board of directors of each of the affected districts is unable to agree on the proposed change in boundary lines, the state board shall adjust and change the boundary lines in accordance with its best judgment subject to the requirement of subsection (f) of this section or shall rule that the boundaries remain unchanged.

(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Arkansas Geographic Information Systems Office to immediately make changes in the maps of the school districts to show the changes of boundaries.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk in each county in which every affected district lies;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Systems Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the affected districts until changes are made according to the provisions of law.

(f) The state board shall not order any change in school district boundaries which hampers, delays, or in any manner negatively affects the desegregation efforts of the public school districts in the State of Arkansas.

History. Acts 2001, No. 1037, § 1; 2011, No. 989, § 9; 2015, No. 103, § 4; 2019, No. 757, § 6; 2019, No. 910, § 1168.

A.C.R.C. Notes. Under the authority of § 25-43-109, this section is set out above as amended by Acts 2019, No. 757, § 6.

Subsection (d) was also amended by Acts 2019, No. 910, § 1168 to read as follows: “(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Division of Elementary and Secondary Education to immediately

make changes in the maps of the school districts of the county to show the changes of boundaries.”

Amendments. The 2019 amendment by No. 757, in (d), substituted “Arkansas Geographic Information Systems Office”

for “Department of Education” and deleted “of the county” following “districts”.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (d).

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to any petition for consolidation or annexation of a school district submitted to the State Board of Education by a school district.

(b) The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the state board approves the consolidation or annexation petition unless the state board approves an alternative effective date or determines otherwise.

(c)(1) Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school district board of directors.

(2) The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.

(3)(A) The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent board of directors of the resulting district or receiving district under § 6-13-1417 or as allowed by law.

(B)(i) If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.

(ii) The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.

(d) The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:

(1) Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(2) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or

(3) Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school district board of directors.

(e)(1) If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (c)(3)(B) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district before annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school district board of directors; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) If the written agreement in an administrative consolidation or an administrative annexation under § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.

(f)(1) An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the state board.

(2) If the written agreement is approved by the state board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school district boards of directors.

(3) A written agreement under this section shall not be effective without approval from the state board.

(g)(1) A consolidation or annexation petition approved by the state board along with an executed copy of the written agreement shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Systems Office.

(2) An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.

(3) An approved consolidation or annexation petition filed with the Secretary of State and the office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the office.

(h)(1) A receiving district that received an affected district as a result of a voluntary administrative annexation under § 6-13-1601 et seq. shall notify all contiguous public school districts of its intent to close a public school campus that is part of an affected district a minimum of one (1) year before the closure of the public school campus.

(2) An affected district under subdivision (h)(1) of this section shall have been the result of a voluntary administrative annexation under § 6-13-1601 et seq. that occurred no more than twenty (20) years ago.

(3) Upon receiving notice from the receiving district under subdivision (h)(1) of this section, a contiguous public school district may:

(A) Notify the receiving district of its interest in accepting the affected district for purposes of keeping the public school campus open; and

(B)(i) Petition the state board to reverse the previous voluntary administrative annexation under § 6-13-1601 et seq. and consolidate the affected district into the contiguous public school district.

(ii) A petition under subdivision (h)(3)(B)(i) of this section shall include the following without limitation:

(a) How the contiguous public school district intends to serve the students of the affected district;

(b) Evidence that the consolidation will not cause fiscal hardship on the contiguous public school district; and

(c) Evidence that the consolidation will not cause fiscal hardship on the affected district.

History. Acts 2011, No. 1217, § 4; 2013, No. 1073, § 10; 2015, No. 103, § 6; 2021, No. 662, § 1.
Amendments. The 2021 amendment added (h).

**SUBCHAPTER 15 — CREATION OF SCHOOL DISTRICT BY DETACHING
TERRITORY FROM EXISTING SCHOOL DISTRICT**

SECTION.

6-13-1502. Minimum area and attendance requirements.

SECTION.

6-13-1505. Creation of school district.

6-13-1502. Minimum area and attendance requirements.

(a) A new school district may not be created in an area with fewer than two thousand five hundred (2,500) students in average daily membership.

(b) An existing school district shall not be reduced by means of detachment to an area with fewer than two thousand five hundred (2,500) students in average daily membership.

(c) A new school district to be created by detachment must only be made up of students from one (1) existing school district.

(d) This subchapter shall apply only to school districts that:

(1) Had an average daily membership of at least five thousand (5,000) students in the school year immediately preceding the detachment; or

(2) Encompass a total area of four hundred fifty square miles (450 sq. mi.) or more, now or in the future.

History. Acts 2001, No. 1673, § 1; deleted "but not more than twenty thousand (20,000) students" following "students" in (d)(1).
2003, No. 1397, § 1; 2015, No. 372, § 1;
2019, No. 528, § 1.

Amendments. The 2019 amendment

6-13-1505. Creation of school district.

(a) If all the requirements of this subchapter are met and a majority of the votes are cast for the proposition, the State Board of Education shall order the creation of the new school district.

(b)(1) At the time the order creating the district is made, the state board shall appoint a board of directors of seven (7) members for the new school district to serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law.

(2) Following the entry of the order creating the new school district, the new school district shall:

(A) Be considered a school district under § 6-13-101 et seq. for all constitutional and statutory purposes, except as limited under this section;

(B) Be considered a body corporate and may sue and be sued in the name of the new school district; and

(C) After the appointment of a board of directors for the new school district but before the transfer of any assets, territory, property, liabilities, duties, or responsibilities, a new school district created by detachment from an existing school district that is a party to any court-ordered desegregation plan shall petition the court having

jurisdiction in the desegregation matter and obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan.

(3) Following the entry of the order creating the new school district, the new school district may:

(A) Exercise the power of eminent domain; and

(B) Borrow money and issue bonds for allowable purposes under § 6-20-1201 et seq.

(c)(1)(A) A new school district created under this subchapter shall be allocated the assets of the school district from which the territory was taken, as the state board shall deem proper or as agreed by the original school district and the new school district with the approval of the state board.

(B) The transfer or conveyance of the title of the assets from the original school district to the new school district shall be documented through deeds, assignments, or bills of sale as necessary to produce evidence of the transfer of ownership and the resulting rights and liabilities.

(2)(A) The new school district may be allocated transferred assets in exchange for payment or may assume liability for that part of the indebtedness of the original school district allocable to the territory within the new school district as agreed by the original school district and the new school district with the approval of the state board or as determined, assigned, or allocated to the new school district by the state board.

(B) In determining the value of the transferred assets or the amount of the indebtedness for which the new school district will become responsible, the new school district and the original school district shall either:

(i) Agree upon an amount with the approval of the state board; or

(ii) Allow the state board to determine the amount if the new school district and the original school district fail to agree.

(3) The allocation or assignment of indebtedness shall be structured in a manner that does not cause the original school district to default under the documents authorizing the indebtedness, and shall not violate any tax covenants contained in the documents authorizing the indebtedness by the original districts.

(4) In determining foregoing allocations, all reasonable and fair methods of allocation shall be considered, including without limitation:

(A) A third-party appraisal of the real property to be transferred to the new school district;

(B) A ratio generated by comparing the number of students currently residing in the boundaries of the new school district to the total number of students in the original school district;

(C) A ratio generated by comparing the assessed value of property within the boundaries of the new school district to the assessed value of property within the original school district;

(D) A ratio generated by comparing the amount of the outstanding debt of the original school district that was incurred to finance property located within the boundaries of the new school district to the total outstanding debt of the original school district; and

(E) Other reasonable and fair methods of allocation.

(d)(1) The ad valorem tax rate of the new school district shall remain the same as that of the original school district until an election is held in the new school district and a rate of tax is approved and shall be allocated in the same proportion between maintenance and operation and debt service as was allocated by the original school district.

(2) The new school district may use and pledge debt service millage to pay all or part of any indebtedness assigned or allocated to the new school district for payment of any other lawful indebtedness of the new school district, for maintenance and operation of the new school district, or for any other lawful purpose, until a different rate is approved by the qualified electors of the new school district.

(e) In order to satisfy the payment obligations of a new school district with respect to the allocation of assets or if the new school district assumes or becomes responsible for any indebtedness of the original school district, one (1) or more of the following methods may be used by the new school district to meet the new school district's obligations:

(1) Borrow funds from the original school district as mutually agreed by both school districts;

(2) Enter into lease-purchase agreements, revolving loans under § 6-20-801 et seq., post-dated warrants, or installment contracts;

(3) Borrow funds from a private, governmental, or commercial lender;

(4) Issue bonds; or

(5) Use any other lawful method.

(f) The state board shall have the following rights and duties regarding creation of a school district by detachment:

(1) To form local school districts, change boundary lines of school districts, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;

(2) To transfer funds and attach territory that are in one (1) school district to other school districts as may seem best for the educational welfare of the children, including the loaning of funds to the new school district under terms and conditions acceptable to the state board; and

(3) To enact rules regarding the creation of school districts by detachment under this subchapter.

(g) In its order creating the new school district under this section, the state board may allow a transition period of up to two (2) consecutive years to allow the new school district to become fully operational.

(h)(1) The new school district shall publish a projected budget of expenditures for the first anticipated operational school year at least sixty (60) days before the next annual school election for which notice can be lawfully given.

(2) At the school election or any subsequent school election, a new school district may present to the qualified electors of the new school

district a proposed ad valorem tax for the maintenance and operation of schools and the retirement of indebtedness.

History. Acts 2001, No. 1673, § 1; 2013, No. 1274, § 2; 2015, No. 947, § 1; 2017, No. 745, §§ 11-13; 2019, No. 315, § 200.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (f)(3).

The 2021 amendment substituted “approved” for “developed” throughout the section; deleted “Beginning with the 2003-2004 school year” in (a); in (b), deleted “by October 1 of each year following the adop-

tion of the plan under subsection (a) of this section” preceding “a written statement of assurance”, “regardless of levels” preceding “is aligned”, and “in the plan” at the end; substituted “of procedures and monitoring processes as required under subsection (a) of this section” for “related to the plan” in (c); added “take enforcement actions as outlined in the Standards for Accreditation of Arkansas Public Schools and School Districts” in (d); and deleted (d)(1) and (2).

SUBCHAPTER 16 — PUBLIC EDUCATION REORGANIZATION ACT

SECTION.

6-13-1602. Administrative consolidation list.

6-13-1603. Administrative reorganization.

6-13-1608. Audit required.

6-13-1610. Financial relief for debts acquired as a result of invol-

SECTION.

untary consolidations — Definitions.

6-13-1611. Reports.

6-13-1612. Academic support centers.

6-13-1613. Minimum school district size waiver.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-13-1602. Administrative consolidation list.

By January 1 of each year, the Division of Elementary and Secondary Education shall publish a:

(1) List of all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year; and

(2) Consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district

average daily membership in each of the two (2) school years immediately preceding the current school year.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22; 2011, No. 989, § 10; 2019, No. 910, § 1169.

substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language.

Amendments. The 2019 amendment

6-13-1603. Administrative reorganization.

(a)(1) Any school district included in the Division of Elementary and Secondary Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of this section.

(2)(A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) A school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602 unless the school district has been granted a waiver under § 6-13-1613.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a

manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

(d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.

(e) Nothing in this section shall be construed to require the closing of any school or school facility.

(f) No administratively consolidated or annexed district shall have more than one (1) superintendent.

(g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the division.

(h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

(1) Are within the same county, and the state board approves the administrative consolidation; or

(2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:

(A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

(i) Contiguous school districts may administratively consolidate even if they are not in the same county.

(j) The state board shall promulgate rules to facilitate the administration of this subchapter.

(k) The provisions of §§ 6-13-1415 — 6-13-1417 shall govern the board of directors of each resulting district or receiving district created under this subchapter.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23; 2011, No. 1217, § 5; 2015, No. 377, § 1; 2019, No. 910, §§ 1170, 1171.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education's" for "Department of Education's" in (a)(1); and substituted "division" for "department" in (g)(2).

6-13-1608. Audit required.

(a) Arkansas Legislative Audit shall conduct a comprehensive financial review of all the school district's financial matters for any school that is involved in administrative consolidation or administrative annexation or is otherwise reorganized by the State Board of Education.

(b) The comprehensive financial review shall begin no less than ten (10) days after the earliest of:

(1) The publication of the district's name on the consolidation and annexation list under § 6-13-1602;

(2) The filing of a petition for voluntary administrative consolidation or administrative annexation; or

(3) The adoption of a motion by the state board to consolidate, annex, or otherwise reorganize a school district designated as being in academic or fiscal distress.

(c)(1) Beginning on the date of publication of the consolidation list under § 6-13-1602 each year, the Division of Elementary and Secondary Education shall have authority to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require those school districts to have accurate records necessary to close all books within sixty (60) days after the end of the fiscal year.

(2) No contract or other debt obligation incurred by a school district for which the division has oversight authority under this section shall be valid or enforceable against a resulting school district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Elementary and Secondary Education or his or her designee.

(d) Any school that is involved in an administrative consolidation or administrative annexation shall have an audit started within thirty (30) days of the completion of the closing of the books by the school district.

(e) The division and Arkansas Legislative Audit shall jointly develop the scope and details of the comprehensive fiscal review consistent with the requirements of this section.

(f) A school district may not incur debt without the prior written approval of the division if the school district is identified by the division under § 6-13-1602(1) as having fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year.

History. Acts 2005, No. 1236, § 1; 2011, No. 989, § 11; 2019, No. 910, § 1172.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (c)(1); substituted "Division of Elementary and Secondary Education" for "department" in (c)(2), in (e), and twice in (f); and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c)(2).

6-13-1610. Financial relief for debts acquired as a result of involuntary consolidations — Definitions.

(a) As used in this section:

(1) "Accounts payable" means a debt owed by a school district on June 30 immediately before administrative consolidation, excluding bonded indebtedness or other long-term debt;

(2) "Act 60 school district" means a school district that was on the consolidation list under § 6-13-1602 and was involuntarily consolidated under § 6-13-1603(a)(3);

(3) "Available funding" means funds that are available to a school district for paying accounts payable or are reasonably expected to be collected and available for payment of accounts payable;

(4) "Excess accounts payable" means accounts payable of an Act 60 school district that exceed available funding; and

(5) "Improper expenditure exceptions" means an erroneous expenditure of federal or state funds that is noted as an audit exception and has been determined by the Division of Elementary and Secondary Education to require an expenditure of funds by the resulting district to be correct.

(b) If on July 1, 2004, or thereafter, the State Board of Education required an involuntary administrative consolidation under § 6-13-1603(a)(3) and the resulting district assumed excess accounts payable or improper expenditure exceptions incurred by the Act 60 school district before the July 1 administrative consolidation date that would have caused deficit spending if paid from the funds of the Act 60 school district, the division shall provide supplemental funding to the resulting district.

(c)(1) The amount of the supplemental funding provided under subsection (b) of this section shall be equal to the amount of the excess accounts payable and improper expenditure exceptions assumed by the resulting district.

(2)(A) The amount of accounts payable, excess accounts payable, improper expenditure exceptions, and available funding shall be determined by the division based on information provided in a final audit and other verifiable fiscal information available to the division.

(B) The audit of an Act 60 school district required under this section shall be completed within the time under § 6-20-1801(d) for school districts in fiscal distress.

(3) No supplemental funding shall be paid under this section until after completion of a final audit by Arkansas Legislative Audit or a private certified public accountant that may conduct school district audits under § 6-20-1801.

(d)(1) Beginning on the date of the publication of the consolidation list under § 6-13-1602 each year, the division shall have authority to

oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require these school districts to have accurate records necessary to close all books within sixty (60) days of the end of the fiscal year.

(2) No contract or other debt obligation incurred by a school district for which the division has oversight authority under this section shall be valid or enforceable against a resulting district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Elementary and Secondary Education or his or her designee.

History. Acts 2005, No. 2230, § 1; 2019, No. 910, §§ 1173-1176.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" and "division" for "department" throughout the section; and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (d)(2).

6-13-1611. Reports.

(a) By October 1 of each year, the resulting district or receiving district of any school district that was administratively consolidated or administratively annexed under §§ 6-13-1601 — 6-13-1603 shall file a written report with the House Committee on Education, the Senate Committee on Education, and the Division of Elementary and Secondary Education indicating:

(1) What efforts were made and the results of those efforts for inclusion of parents from the affected district in the receiving district's or the resulting district's activities, including without limitation:

- (A) Parent-teacher associations;
- (B) Booster clubs; and
- (C) Parent involvement committees;

(2) The number and percentage of students from the affected districts participating in an extracurricular activity, itemized by each extracurricular activity offered by the school district and, for each activity, which school district the student attended before reorganization; and

(3) The employment status of each administrator by name, gender, and race before the administrative annexation or administrative consolidation, which school employed the administrator before administrative consolidation, and his or her employment status in the receiving district or the resulting district.

(b) The division shall develop or approve a survey to be used by the resulting districts or receiving districts to capture perceptual data from parents and students regarding their opinions on:

(1) Opportunities for inclusion or participation in the resulting district or receiving district; and

(2) The efforts, if any, that were made to include parents from the affected district in the receiving district's or resulting district's activities, including, but not limited to, parent-teacher associations, booster clubs, and parent involvement committees.

History. Acts 2005, No. 2321, § 1; 2009, No. 376, § 14; 2019, No. 910, §§ 1177, 1178. Secondary Education” for “Department of Education”, and deleted “6-13-1604, and 6-13-1605” following “6-13-1603”; and substituted “division” for “department” in the introductory language of (b).

Amendments. The 2019 amendment, in the introductory language of (a), substituted “Division of Elementary and Sec-

6-13-1612. Academic support centers.

(a) The purpose of this section is to:

(1) Prevent students who attend administratively consolidated or administratively annexed schools from returning home to communities with little or no opportunities for supplemental academic support;

(2) Increase opportunities for access to library materials, academic resource materials, and educational technology for these students within their local communities; and

(3) Help advance academic performance for these students by providing opportunities for homework and tutorial assistance based on the Arkansas curriculum frameworks.

(b) An academic support center may be established in communities whose schools have been closed by administrative consolidation or administrative annexation under this subchapter to fulfill the objectives identified in subsection (a) of this section.

(c) The Division of Elementary and Secondary Education shall:

(1) Establish rules to implement this section; and

(2) Report annually to the House Committee on Education and the Senate Committee on Education regarding the establishment of academic support centers and their effectiveness.

History. Acts 2007, No. 1575, § 1; 2019, No. 910, § 1179. Secondary Education” for “Department of Education” in the introductory language of (c).

Amendments. The 2019 amendment substituted “Division of Elementary and

6-13-1613. Minimum school district size waiver.

(a)(1) A school district that is placed on the consolidation list published by the Division of Elementary and Secondary Education under § 6-13-1602(2) may annually request a waiver from the average daily membership requirement of three hundred fifty (350) students from the State Board of Education.

(2) A school district shall submit a petition for a waiver to the state board no later than thirty (30) days after the consolidation list is published.

(3) The petition for a waiver shall include:

(A) The average daily membership of the school district in the current school year;

(B) A statement that the school district is not in probationary status for any violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) A copy of the school district’s current year budget and any fiscal audit conducted within the previous two (2) years; and

(D) A statement of assurance that the school district is not currently classified in Level 5 — Intensive support, fiscal distress, or facilities distress.

(b)(1) The state board shall render a decision to either grant or reject a petition for a waiver that is received from a school district within forty-five (45) days of receipt.

(2) The state board shall grant a petition for a waiver if it is demonstrated by the school district that:

(A) The school district is not currently classified in Level 5 — Intensive support, fiscal distress, or facilities distress;

(B) The school district is not in probationary status for a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) The academic facilities owned and operated by the school district are adequate as evidenced by the school district’s facilities master plan; and

(D) It is in the best interest of the students in the school district to keep the school district open due to the length of potential time spent on the bus by a student traveling to and from school should the school district be administratively reorganized, as assured by the school board of directors of the school district requesting the waiver.

(3) The state board may revoke a waiver that has been granted to a school district at any time if it is found that the conditions under subdivision (b)(2) of this section change.

(c) A school district that is granted a waiver shall remain listed on the consolidation list that is published annually by the division.

History. Acts 2015, No. 377, § 2; 2017, No. 936, §§ 11, 12; 2019, No. 910, § 1180. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1).
Amendments. The 2019 amendment

SUBCHAPTER 17 — INSTITUTIONAL LAW ENFORCEMENT OFFICERS

SECTION.

6-13-1701. Definitions.

6-13-1702. Applicability.

6-13-1703. Appointment and removal of institutional law enforcement officers.

6-13-1704. Powers and duties of an institutional law enforcement officer.

SECTION.

6-13-1705. Institutional law enforcement officers — Personal liability.

6-13-1706. Prosecution and fines.

6-13-1707. Motor vehicles on institutional property — Rules.

6-13-1701. Definitions.

As used in this subchapter:

(1) “Executive head” means a superintendent of a public school district or the head of an open-enrollment public charter school;

(2) "Institution" means property that is owned and operated by a public school district or an open-enrollment public charter school;

(3) "Institutional law enforcement officer" means an individual who is appointed under this subchapter by an executive head to exercise law enforcement authority on the property of an institution;

(4) "Primary jurisdiction" means the property over which an institutional law enforcement officer may exercise authority; and

(5) "Property" means both real and personal property that is owned by or under the control of an institution, and includes without limitation all highways, streets, alleys, and rights-of-way that are contiguous or adjacent to real and personal property that is owned or controlled by an institution.

History. 2019, No. 629, § 1.

6-13-1702. Applicability.

(a)(1) This subchapter applies to all property that is owned or under the control of an institution.

(2) However, this subchapter shall not interfere with the ownership or control that is vested in the board of directors of each institution regarding its property.

(b) This subchapter shall be in addition to any rights that an institution has with respect to enforcing its rules, including without limitation an institution's right to:

- (1) Impose sanctions through fees and charges;
- (2) Discipline an individual;
- (3) Deny service to an individual; and
- (4) Expel an individual.

History. 2019, No. 629, § 1.

6-13-1703. Appointment and removal of institutional law enforcement officers.

(a)(1) An executive head of an institution may designate and appoint at least one (1) of the employees of the institution as an institutional law enforcement officer.

(2) An employee appointed as an institutional law enforcement officer under subdivision (a)(1) of this section shall exercise the authority of a law enforcement officer under the laws of this state.

(b) Before an executive head appoints an institutional law enforcement officer under subdivision (a)(1) of this section, the institution shall appear before the Arkansas Commission on Law Enforcement Standards and Training to request the creation of a new law enforcement agency as required under § 12-9-118.

(c) An institutional law enforcement officer under this section shall:

(1) Have all powers provided by law to law enforcement officers, which shall be exercised as required for the protection of the institution that appointed the institutional law enforcement officer; and

(2) Meet the standards and qualifications for certification required by the commission.

(d) The appointment of an institutional law enforcement officer under this section shall not supersede the authority of the:

(1) City police and county sheriffs with jurisdiction over the property or individuals of an institution; and

(2) Division of Arkansas State Police.

(e) An institutional law enforcement officer appointed under this section shall:

(1) Be identified by a shield or a badge bearing the name of the institution for which the institutional law enforcement officer is employed; and

(2)(A) Have an identification card bearing his or her photograph.

(B) An identification card under subdivision (e)(2)(A) of this section shall be carried on the institutional law enforcement officer's person at all times while he or she is on duty and shall be displayed upon request.

(f)(1) An institutional law enforcement officer's authorization to exercise powers provided by law for law enforcement officers shall be evidenced by a letter of appointment issued under the seal of an institution.

(2) An executive head or his or her designee shall maintain a file that contains:

(A) Each institutional law enforcement officer's authorization certificate as required under subdivision (f)(1) of this section; and

(B) Certificates and information as required by the commission.

(g)(1) An executive head may revoke, in writing, an institutional law enforcement officer's authority granted under this subchapter.

(2) A copy of a revocation issued under subdivision (g)(1) of this section shall be included in the file required under subdivision (f)(2) of this section.

(3) The commission shall be notified by the institution of any change in the status of an institutional law enforcement officer.

History. 2019, No. 629, § 1.

6-13-1704. Powers and duties of an institutional law enforcement officer.

(a) An institutional law enforcement officer appointed under this subchapter, except to the extent limited by the executive head who appointed the institutional law enforcement officer, shall:

(1) Protect property;

(2) Preserve and maintain proper order and decorum;

(3) Address and prevent unlawful assemblies;

(4) Address and prevent disorderly conduct;

(5) Exclude or eject an individual who is deemed by the institution to be detrimental to the well-being of the institution;

(6) Address and prevent trespass;

(7) Regulate the operation and parking of motor vehicles on and in the grounds, buildings, improvements, streets, alleys, and sidewalks that are under the control of the institution for which the institutional law enforcement officer works; and

(8) Exercise police supervision on behalf of the institution for which the institutional law enforcement officer works.

(b) An institutional law enforcement officer may:

(1) Arrest, if necessary, an individual who commits an offense that violates a:

(A) Law; or

(B) City ordinance of the city in which the institution is located;

(2) Deliver a person that the institutional law enforcement officer has arrested under subdivision (b)(1) of this section before a court of competent jurisdiction; and

(3) Summon a posse comitatus if necessary to keep the peace.

(c) An institutional law enforcement officer may make an arrest for an offense that violates a law outside of his or her primary jurisdiction if the institutional law enforcement officer is:

(1) Summoned by another law enforcement agency to provide assistance;

(2) Assisting another law enforcement agency; and

(3)(A) Traveling to or from a location within the state for purposes of official business.

(B) Official business under subdivision (c)(3)(A) of this section includes without limitation:

(i) Engaging in intelligence-gathering activities related to security on property under the control of the institution that employs the institutional law enforcement officer;

(ii) Investigating a crime committed on property under the control of the institution that employs the institutional law enforcement officer;

(iii) Transporting money, securities, or other items of value on behalf of the institution that employs the institutional law enforcement officer;

(iv) Providing security or protective services for students, officials, or visiting dignitaries of the institution; and

(v) Pursuing an individual in a continuous and immediate manner for an offense the individual committed on property under the control of the institution that employs the institutional law enforcement officer or in view of the institutional law enforcement officer.

(d)(1) When an arrest is made outside of an institutional law enforcement's primary jurisdiction under subsection (c) of this section, the law enforcement agency that has jurisdiction in the location in which the arrest occurred shall be notified promptly and shall receive a written report that is forwarded by the institutional law enforcement officer no later than the institutional law enforcement officer's next working day.

(2) A law enforcement agency that has jurisdiction under subdivision (d)(1) of this section may:

(A) Take over the investigation of the offense for which the arrest was made; or

(B) Allow the institutional law enforcement officer to bring the arrested individual before a court of competent jurisdiction.

History. 2019, No. 629, § 1.

6-13-1705. Institutional law enforcement officers — Personal liability.

An institutional law enforcement officer appointed under this subchapter is not personally liable for injuries to individuals or damages to property while the institutional law enforcement officer is acting within the scope of his or her authority as authorized by this subchapter.

History. 2019, No. 629, § 1.

6-13-1706. Prosecution and fines.

(a) A prosecuting attorney or city attorney with jurisdiction shall appear and prosecute all actions that arise in a court under this subchapter.

(b) All fines collected by a court under this subchapter shall be paid into the same fund as are fines levied for the same or similar violations by the court hearing the matter.

History. 2019, No. 629, § 1.

6-13-1707. Motor vehicles on institutional property — Rules.

(a) An institution may promulgate rules for the operation and parking of motor vehicles on the property of the institution, including without limitation rules regarding the:

(1)(A) Rate of speed.

(B) Speed limits shall be posted at reasonable intervals;

(2)(A) Assignment and designation of parking spaces and the collection of charges or fees as rent for those parking spaces.

(B) Charges or fees collected under subdivision (a)(2)(A) of this section, other than charges and fees collected for parking or parking passes for athletic events or other special events at the institution, are not considered payment for the providing of any service of any nature to the individual required to pay the charges or fees as rent and shall be exempt from the tax levied by § 26-52-301(3);

(3)(A) Prohibition of parking.

(B) For purposes of appearance, a notice left on a motor vehicle is sufficient to constitute a summons;

(4) Removal of vehicles, at the expense of the violator, that are parked in violation of institutional rules or city ordinances;

(5) Establishment of a system of motor vehicle registration for the identification and regulation of motor vehicles that regularly use property of the institution, including without limitation a reasonable

charge to defray costs associated with the identification and regulation of the motor vehicles; and

(6)(A) Collection, under an established system, of administrative charges for violations of institutional rules under this section that govern motor vehicles, the operation of motor vehicles, and the parking of motor vehicles.

(B) An administrative finding of a violation under subdivision (a)(6)(A) of this section may be appealed to the district court with jurisdiction, where the matter shall be heard de novo.

(b) Rules promulgated under this section shall be:

(1) Recorded in the official minutes of the board of directors that has supervision of the institution;

(2) Filed as required under state law; and

(3) Printed, with copies available at convenient locations throughout the institution.

(c) Traffic and parking directions and prohibitions under this section shall be indicated by signs at regular intervals throughout the institution.

(d)(1) An individual who violates institutional rules promulgated under this subchapter shall be subjected to reasonable administrative charges under this section.

(2) An administrative determination under this section may be appealed to the district court with jurisdiction, where the matter shall be heard de novo.

History. 2019, No. 629, § 1.

CHAPTER 14

SCHOOL ELECTIONS

SECTION.

6-14-102. Annual school election date —
Special school election.
[Effective until January 1,
2022.]

6-14-102. Annual school election date —
Special school election.
[Effective January 1,
2022.]

6-14-106. Polling places — Qualifications
and appointment of elec-
tion commissioners and
poll workers.

6-14-109. Notice of elections.

6-14-111. Candidate filing procedures.
[Effective until January 1,
2022.]

6-14-111. Candidate filing procedures.
[Effective January 1,
2022.]

SECTION.

6-14-113. [Repealed.]

6-14-114. Counting of votes.

6-14-115. Return, canvass, and appeal —
Filing.

6-14-119. [Repealed.]

6-14-121. Runoff elections.

6-14-122. Consolidation, annexation, or
merger of school districts.
[Effective until January 1,
2022.]

6-14-122. Consolidation, annexation, or
merger of school districts.
[Effective January 1,
2022.]

6-14-124. Pre-election procedures for
school elections held in
school districts situated in
more than one county.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department

secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 610, § 41: Jan. 1, 2022.

**6-14-102. Annual school election date — Special school election.
[Effective until January 1, 2022.]**

(a)(1)(A) The annual school election shall be held in each school district of the state:

(i) In even-numbered years, on the date of the:

(a) Preferential primary election; or

(b) General election; and

(ii) In odd-numbered years, on the:

(a) First Tuesday following the first Monday in November; or

(b) Third Tuesday in May.

(B)(i) A school district shall adopt a policy setting forth which election date under subdivision (a)(1)(A) of this section the school district chooses to hold the annual school election upon.

(ii) At least one hundred (100) days before the first day of the respective candidate filing period set forth in § 6-14-111(e)(1)(A), a school district shall provide a copy of the policy under subdivision (a)(1)(B)(i) of this section to:

(a) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes; and

(b) The county clerk of each county within the school district's boundaries.

(iii) If a school district fails to timely provide a copy of its most current policy to the county board of election commissioners and county clerks in accordance with subdivision (a)(1)(B)(ii) of this section, the school district shall be required to hold the school district's annual school election in accordance with the most recent policy the school district has provided to the county board of election commissioners and county clerks.

(2) The annual school election shall only concern issues authorized to be on the ballot by the Arkansas Constitution or by statute. Issues to be considered in the annual school election may be printed on the same ballot as the ballot of any other election lawfully held on the same date as the annual school election.

(b) The board of directors of any school district shall have the authority to hold a school election concerning the tax rate or debt issues on a date other than that fixed by law provided that:

(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subsection (a) of this section; and

(2) The election is held before the date of the annual school election.

(c)(1) When the annual school election is not held at the same time as a preferential primary or general election, if no more than one (1) candidate for a school district director position presents a petition or notice as required by § 6-14-111 and if there are no other ballot issues to be submitted to school district electors for consideration, with the exception of the local tax rate if that rate is not being changed or restructured, the board of directors of a school district, by resolution, may request the county board of election commissioners to:

(A) Reduce the number of polling places;

(B) Open no polling places on election day so that the election can be conducted by absentee ballot and early voting only; or

(C)(i) Declare an election by candidate to be held;

(ii) Open no polling places; and

(iii) Allow the candidate to cast a ballot for himself or herself at a designated time and location on election day or during the period that would otherwise be designated for early voting.

(2) If a county uses electronic voting machines or electronic vote tabulating devices, and is holding an election under subdivision (c)(1) of this section, the county board of election commissioners may use:

(A) The electronic voting machines or electronic vote tabulating devices; or

(B) Paper ballots counted by hand and provide no voting machines to be used in the election, notwithstanding any other provision in the Arkansas Code.

History. Acts 1959, No. 248, § 1; 1963, No. 121, § 1; 1967, No. 171, § 1; A.S.A. 1947, § 80-301; Acts 1987, No. 969, § 1; 1988 (3rd Ex. Sess.), No. 4, § 1; 1988, (3rd Ex. Sess.), No. 11, § 1; 1993, No. 181, § 1; 1993, No. 294, § 8; 1994 (1st Ex. Sess.), No. 1, § 6; 1995, No. 1131, § 1; 1995, No. 1281, § 1; 1997, No. 545, § 1; 1997, No. 1120, § 1; 1999, No. 1078, § 49; 1999, No. 1196, § 1; 2003, No. 1295, § 1; 2003, No. 1441, § 3; 2005, No. 1174, § 1; 2005, No. 2145, § 3; 2005, No. 2233, § 1; 2007, No. 1049, § 4; 2009, No. 959, § 46; 2009, No. 1469, § 2; 2013, No. 1215, § 1; 2015, No. 1244, § 1; 2015, No. 1281, § 1; 2016 (3rd Ex. Sess.), No. 14, § 1; 2016 (3rd Ex. Sess.), No. 15, § 1; 2017, No. 910, § 1; 2019, No. 545, § 1; 2019, No. 552, § 1; 2019, No. 597, § 1; 2021, No. 85, § 1; 2021, No. 448, § 1.

Publisher's Notes. For text of section effective January 1, 2022, see the following version.

Amendments. The 2019 amendment by No. 545 rewrote (a)(1)(A).

The 2019 amendment by No. 552 deleted the (a)(2)(A) and (a)(2)(B) designations; in the first sentence of (a)(2), substituted "The annual school election" for "Except as provided in subdivision (a)(2)(B) of this section, the annual school election", and deleted "and no other issues shall appear on the ballot" following "statute"; in the second sentence of (a)(2), substituted "Issues" for "If the annual school election is held at the same time as a preferential primary election or general election, the issues", and substituted "as the ballot of any other election lawfully held on the same date as the annual

school election” for “as the preferential primary election ballot or general election ballot”.

The 2019 amendment by No. 597 rewrote (a)(1)(B).

The 2021 amendment by No. 85 deleted (b)(3).

The 2021 amendment by No. 448 substituted “When” for “In any election year

in which” in (c)(1) in the introductory language; rewrote (c)(1)(C); deleted former (c)(2)(A); redesignated former (c)(2)(B) as (c)(2); inserted “and is holding an election under subdivision (c)(1) of this section” in the introductory language of (c)(2); and made stylistic changes.

**6-14-102. Annual school election date — Special school election.
[Effective January 1, 2022.]**

(a)(1)(A) The annual school election shall be held in each school district of the state:

(i) In even-numbered years, on the date of the:

(a) Preferential primary election; or

(b) General election; and

(ii) In odd-numbered years, on the:

(a) Second Tuesday in November; or

(b) Second Tuesday in May.

(B)(i) A school district shall adopt a policy setting forth which election date under subdivision (a)(1)(A) of this section the school district chooses to hold the annual school election upon.

(ii) At least one hundred (100) days before the first day of the respective candidate filing period set forth in § 6-14-111(e)(1)(A), a school district shall provide a copy of the policy under subdivision (a)(1)(B)(i) of this section to:

(a) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes; and

(b) The county clerk of each county within the school district’s boundaries.

(iii) If a school district fails to timely provide a copy of its most current policy to the county board of election commissioners and county clerks in accordance with subdivision (a)(1)(B)(ii) of this section, the school district shall be required to hold the school district’s annual school election in accordance with the most recent policy the school district has provided to the county board of election commissioners and county clerks.

(2) The annual school election shall only concern issues authorized to be on the ballot by the Arkansas Constitution or by statute. Issues to be considered in the annual school election may be printed on the same ballot as the ballot of any other election lawfully held on the same date as the annual school election.

(b) The board of directors of any school district shall have the authority to hold a special school election concerning the tax rate or debt issues under § 7-11-205 provided that:

(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subsection (a) of this section; and

(2) The board of directors of a school district files a document calling for the special school election with the district's domiciled county clerk not less than seventy (70) days before the date of the special school election.

(c)(1) When the annual school election is not held at the same time as a preferential primary or general election, if no more than one (1) candidate for a school district director position presents a petition or notice as required by § 6-14-111 and if there are no other ballot issues to be submitted to school district electors for consideration, with the exception of the local tax rate if that rate is not being changed or restructured, the board of directors of a school district, by resolution, may request the county board of election commissioners to:

(A) Reduce the number of polling places;

(B) Open no polling places on election day so that the election can be conducted by absentee ballot and early voting only; or

(C)(i) Declare an election by candidate to be held;

(ii) Open no polling places; and

(iii) Allow the candidate to cast a ballot for himself or herself at a designated time and location on election day or during the period that would otherwise be designated for early voting.

(2) If a county uses electronic voting machines or electronic vote tabulating devices, and is holding an election under subdivision (c)(1) of this section, the county board of election commissioners may use:

(A) The electronic voting machines or electronic vote tabulating devices; or

(B) Paper ballots counted by hand and provide no voting machines to be used in the election, notwithstanding any other provision in the Arkansas Code.

History. Acts 1959, No. 248, § 1; 1963, No. 121, § 1; 1967, No. 171, § 1; A.S.A. 1947, § 80-301; Acts 1987, No. 969, § 1; 1988 (3rd Ex. Sess.), No. 4, § 1; 1988, (3rd Ex. Sess.), No. 11, § 1; 1993, No. 181, § 1; 1993, No. 294, § 8; 1994 (1st Ex. Sess.), No. 1, § 6; 1995, No. 1131, § 1; 1995, No. 1281, § 1; 1997, No. 545, § 1; 1997, No. 1120, § 1; 1999, No. 1078, § 49; 1999, No. 1196, § 1; 2003, No. 1295, § 1; 2003, No. 1441, § 3; 2005, No. 1174, § 1; 2005, No. 2145, § 3; 2005, No. 2233, § 1; 2007, No. 1049, § 4; 2009, No. 959, § 46; 2009, No. 1469, § 2; 2013, No. 1215, § 1; 2015, No. 1244, § 1; 2015, No. 1281, § 1; 2016 (3rd Ex. Sess.), No. 14, § 1; 2016 (3rd Ex. Sess.), No. 15, § 1; 2017, No. 910, § 1; 2019, No. 545, § 1; 2019, No. 552, § 1; 2019, No. 597, § 1; 2021, No. 85, § 1; 2021, No. 448, § 1; 2021, No. 610, §§ 1, 2.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2019 amendment by No. 545 rewrote (a)(1)(A).

The 2019 amendment by No. 552 deleted the (a)(2)(A) and (a)(2)(B) designations; in the first sentence of (a)(2), substituted "The annual school election" for "Except as provided in subdivision (a)(2)(B) of this section, the annual school election", and deleted "and no other issues shall appear on the ballot" following "statute"; in the second sentence of (a)(2), substituted "Issues" for "If the annual school election is held at the same time as a preferential primary election or general election, the issues", and substituted "as the ballot of any other election lawfully held on the same date as the annual school election" for "as the preferential primary election ballot or general election ballot".

The 2019 amendment by No. 597 rewrote (a)(1)(B).

The 2021 amendment by No. 85 deleted (b)(3).

The 2021 amendment by No. 448 substituted "When" for "In any election year in which" in (c)(1) in the introductory language; rewrote (c)(1)(C); deleted former (c)(2)(A); redesignated former (c)(2)(B) as (c)(2); inserted "and is holding an election under subdivision (c)(1) of this section" in the introductory language of (c)(2); and made stylistic changes.

The 2021 amendment by No. 610 substituted "Second Tuesday in November"

for "First Tuesday following the first Monday in November" in (a)(1)(A)(ii)(a); substituted "Second Tuesday in May" for "Third Tuesday in May" in (a)(1)(A)(ii)(b); in the introductory language of (b), inserted "special" and substituted "under § 7-11-205" for "on a date other than that fixed by law"; deleted former (b)(2), and redesignated former (b)(3) as (b)(2); and added (b)(3) [now (b)(2)].

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

6-14-106. Polling places — Qualifications and appointment of election commissioners and poll workers.

(a)(1) Except as provided under subdivision (a)(5) of this section, the county board of election commissioners of each county shall designate all the polling sites for each school district in its respective county, including districts having territory in more than one (1) county but which are domiciled in its county for administrative purposes, and shall provide the election supplies and appoint the poll workers for holding all school elections.

(2) The county board of election commissioners shall consult with each school district regarding:

(A) The number of polling sites to designate for each school district; and

(B) The location of the polling sites.

(3) Polling sites for school elections shall be established by a majority vote of the members of the county board of election commissioners present.

(4)(A) Except as provided in subdivision (a)(4)(B) of this section and unless changed by order of the county board of election commissioners, the polling sites for each school election shall be the same as those established for the immediately preceding school election.

(B) If no polling sites were opened in the immediately preceding school election, the polling sites shall be the same as those established for the most recent school election in which polling sites were opened unless changed by order of the county board of election commissioners.

(5) If the annual school election is held at the same time as the preferential primary election or general election, the polling sites for the annual school election shall be the same as the polling sites for the preferential primary or general election.

(b) If the annual school election is held on a date on which no other elections are held and a school district has territory in more than one (1) county, the county board of election commissioners of the county in which the school district is domiciled shall designate in a contested school election one (1) or more polling sites in each county:

(1) In which the school district has territory;

(2) In which school district territory contains a city of the second class or larger; and

(3) That has registered electors.

(c) The county board of election commissioners shall take appropriate action to assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election.

(d) [Repealed.]

(e) The county board of election commissioners of the domicile county shall appoint one (1) election judge and one (1) election sheriff for each polling site and as many additional election clerks as are necessary for the efficient administration of elections at each polling site.

History. Acts 1951, No. 403, § 1; 1979, No. 117, § 1; 1979, No. 829, § 1; A.S.A. 1947, §§ 80-318, 80-319.1; Acts 1997, No. 443, § 1; 2005, No. 1174, § 3; 2009, No. 292, § 1; 2009, No. 1294, § 1; 2009, No. 1480, § 3; 2015, No. 1244, § 2; 2016 (3rd Ex. Sess.), No. 14, § 2; 2016 (3rd Ex.

Sess.), No. 15, § 2; 2017, No. 910, § 2; 2019, No. 473, § 1; 2019, No. 553, § 1.

Amendments. The 2019 amendment by No. 473 repealed (d).

The 2019 amendment by No. 553 deleted former (e) and redesignated (f)(1) as (e); and deleted (f)(2).

6-14-109. Notice of elections.

(a) The county board of election commissioners shall give notice of all school elections under § 7-5-202.

(b) If a school election for a school district that includes more than one (1) county is conducted by the county board of election commissioners for the domicile county and no county board of election commissioners for a nondomicile county, the notice of election shall be published in one (1) or more newspapers of general circulation in each of the counties in which the district has territory.

(c) The county board of election commissioners shall publish notice of an issue to be placed on the ballot in the manner provided under § 7-5-206.

History. Acts 1951, No. 403, § 2; A.S.A. 1947, § 80-319; Acts 1999, No. 1490, § 1; 2005, No. 1174, § 4; 2016 (3rd Ex. Sess.), No. 14, § 3; 2016 (3rd Ex. Sess.), No. 15, § 3; 2019, No. 473, § 2.

Amendments. The 2019 amendment rewrote the section.

6-14-111. Candidate filing procedures. [Effective until January 1, 2022.]

(a)(1) All candidate filings under this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2)(A)(i) In a special school election or an annual school election not held with the preferential primary or general election, all actions required of county boards of election commissioners shall be per-

formed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.

(ii) However, if one of that school district's nondomicile counties is holding a special election on the same date as a school election and at least one (1) qualified elector in the county is eligible to vote in both the special election and the school election, each county in which the school district has territory shall conduct the school district's school election as if it were held with the preferential primary or general election.

(B) When a county clerk of a school district's nondomicile county becomes aware that a special election will be held on the same date as a school district's annual or special school election and at least one (1) qualified elector in the county is eligible to vote in both the special election and the school election, the county clerk of the nondomicile county shall immediately notify the county clerk of the county in which the school district is domiciled for administrative purposes in writing that the school district's school election shall be conducted under subdivision (a)(3) of this section.

(C) The county clerk of the county in which the school district is domiciled for administrative purposes shall then immediately notify the county clerks of any other nondomicile counties that the school district's election will be conducted under subdivision (a)(3) of this section.

(3) In a school election held with the preferential primary or general election, all actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the electors reside.

(b) The county board of election commissioners shall prepare and furnish ballots and all other necessary supplies for the annual school election.

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:

- (1) A petition; or
- (2) A notice of write-in candidacy.

(d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

(2) The petition shall:

(A) State the name and title of the candidate that the candidate proposes to appear on the ballot; and

(B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

(e)(1) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the county clerk as follows:

(A)(i) For even-numbered years, during the party filing period as set forth in § 7-7-203 for school elections held concurrently with a preferential primary election; and

(ii) For odd-numbered years, during the dates that would be the filing period as set forth in § 7-7-203 if a preferential primary and general election were to be held in that year; or

(B) During a one-week period ending at 12:00 noon ninety (90) days before a general election.

(2)(A) The county clerk shall not accept a candidate's petition until the county clerk has verified that:

(i) The address where the candidate is registered to vote is within the election zone, if applicable, represented by the position on the board of directors that the candidate has indicated on the petition; and

(ii) The position on the board of directors that the candidate has indicated on the petition is scheduled to be filled during the current election.

(B) The county clerk shall reject a petition that does not comply with subdivision (e)(2)(A) of this section.

(C) The county clerk shall inform the candidate:

(i) That the candidate's petition was accepted or rejected; and

(ii) If the candidate's petition was rejected, the reason for the rejection.

(f)(1) Candidates may begin circulating petitions not earlier than ninety (90) days before the filing deadline under subdivision (e)(1) of this section.

(2) A signature dated more than ninety (90) days before the filing deadline under subdivision (e)(1) of this section shall not be counted by the county clerk as a valid signature.

(g)(1) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during the one-week period under subdivision (e)(1) of this section:

(A) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;

(B) An affidavit of eligibility; and

(C) The political practices pledge.

(2)(A) Upon receipt of the candidate's notice of intention to be a write-in candidate, the county clerk shall immediately verify that:

(i) The address where the candidate is registered to vote is within the election zone, if applicable, represented by the position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate; and

(ii) The position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate is scheduled to be filled during the current election.

(B) The county clerk shall reject a notice of intention to be a write-in candidate that does not comply with subdivision (g)(2)(A) of this section.

(C) The county clerk shall inform the candidate:

(i) That the candidate's notice of intention to be a write-in candidate was accepted or rejected; and

(ii) If the candidate's notice of intention to be a write-in candidate was rejected, the reason for the rejection.

(h)(1) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) The county board of election commissioners shall not place the name of an unopposed candidate for school district director on the ballot during a school board election held concurrently with the preferential primary election or general election.

(i) The school district shall file the language required to submit the rate of tax for the school district to the voters during the annual school election with the county clerk of the county in which the school district is domiciled for administrative purposes as soon as that language becomes available but no later than sixty (60) days before the annual school election.

(j)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk of the county in which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk of the county within which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the county clerk of the county within which the school district is domiciled for administrative purposes.

(k) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than:

(1) Seventy-two (72) days before the annual school election, if the election is to be held on the:

(A) First Tuesday following the first Monday in November;

(B) Third Tuesday in May for elections held in odd numbered years; or

(C) Tuesday four (4) weeks prior to the third Tuesday in June for years in which the office of Governor will appear on the ballot at the general election; or

(2) Eighty-nine (89) days before the annual school election if the election is to be held on the first Tuesday after the first Monday in

March for years in which the office of President of the United States will appear on the ballot at the general election.

(1) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

History. Acts 1969, No. 70, § 1; A.S.A. 1947, § 80-308; Acts 1991, No. 294, § 1; 1997, No. 443, § 2; 1999, No. 1078, § 51; 2001, No. 994, § 1; 2003, No. 1473, § 4; 2005, No. 1174, § 5; 2007, No. 1049, § 5; 2009, No. 1480, § 4; 2011, No. 1185, § 1; 2017, No. 586, §§ 1, 2; 2017, No. 910, § 3; 2019, No. 552, §§ 2, 3; 2019, No. 597, §§ 2-4; 2021, No. 349, § 1; 2021, No. 448, § 2.

Publisher's Notes. For text of section effective January 1, 2022, see the following version.

Amendments. The 2019 amendment by No. 552 redesignated former (a)(2) as (a)(2)(A)(i); added "In a special school election or an annual school election not held with the preferential primary or general election" in (a)(2)(A)(i); added (a)(2)(A)(ii), (a)(2)(B), (a)(2)(C), and (a)(3); inserted (h) [now (i)] and redesignated the remaining subsections accordingly; in (j)(1), deleted "county" preceding the first occurrence of "board", inserted "of the county in which the school district is domiciled for administrative purposes", and inserted "county" preceding the second occurrence of "board"; in (j)(2), inserted "of the county within which the school district is domiciled for administrative purposes" and

ciled for administrative purposes" and added "within which the school district is domiciled for administrative purposes"; and made stylistic changes.

The 2019 amendment by No. 597 redesignated (e)(1)(A) as (e)(1)(A)(i); added "For even-numbered years" in (e)(1)(A)(i); added (e)(1)(A)(ii); in (e)(1)(B), substituted "12:00 noon on August 1 for school elections" for "12:00 noon ninety (90) days before the election for school elections", and substituted "held on the first Tuesday following the first Monday in November" for "held in odd years or concurrently with a general election"; substituted "ninety (90) days" for "thirty (30) days" in (f)(1) and (f)(2); redesignated (h) as (h)(1); and added (h)(2).

The 2021 amendment by No. 349 substituted "ninety (90) days before a general election" for "on August 1 for school elections held on the first Tuesday following the first Monday in November" in (e)(1)(B).

The 2021 amendment by No. 448 added (k)(2) and the (k)(1) designation; added (k)(1)(A)-(C); and added "if the election is to be held on the" in the introductory language of (k)(1).

6-14-111. Candidate filing procedures. [Effective January 1, 2022.]

(a)(1) All candidate filings under this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2)(A)(i) In a special school election or an annual school election not held with the preferential primary or general election, all actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.

(ii) However, if one of that school district's nondomicile counties is holding a special election on the same date as a school election and at least one (1) qualified elector in the county is eligible to vote in both the special election and the school election, each county in which the

school district has territory shall conduct the school district's school election as if it were held with the preferential primary or general election.

(B) When a county clerk of a school district's nondomicile county becomes aware that a special election will be held on the same date as a school district's annual or special school election and at least one (1) qualified elector in the county is eligible to vote in both the special election and the school election, the county clerk of the nondomicile county shall immediately notify the county clerk of the county in which the school district is domiciled for administrative purposes in writing that the school district's school election shall be conducted under subdivision (a)(3) of this section.

(C) The county clerk of the county in which the school district is domiciled for administrative purposes shall then immediately notify the county clerks of any other nondomicile counties that the school district's election will be conducted under subdivision (a)(3) of this section.

(3) In a school election held with the preferential primary or general election, all actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the electors reside.

(b) The county board of election commissioners shall prepare and furnish ballots and all other necessary supplies for the annual school election.

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:

- (1) A petition; or
- (2) A notice of write-in candidacy.

(d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

(2) The petition shall:

(A) State the name and title of the candidate that the candidate proposes to appear on the ballot; and

(B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

(e)(1) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the county clerk as follows:

(A)(i) For even-numbered years, during the party filing period as set forth in § 7-7-203 for school elections held concurrently with a preferential primary election; and

(ii) For odd-numbered years, during the dates that would be the filing period as set forth in § 7-7-203 if a preferential primary and general election were to be held in that year; or

(B) During a one-week period ending at 12:00 noon ninety (90) days before a general election.

(2)(A) The county clerk shall not accept a candidate's petition until the county clerk has verified that:

(i) The address where the candidate is registered to vote is within the election zone, if applicable, represented by the position on the board of directors that the candidate has indicated on the petition; and

(ii) The position on the board of directors that the candidate has indicated on the petition is scheduled to be filled during the current election.

(B) The county clerk shall reject a petition that does not comply with subdivision (e)(2)(A) of this section.

(C) The county clerk shall inform the candidate:

(i) That the candidate's petition was accepted or rejected; and

(ii) If the candidate's petition was rejected, the reason for the rejection.

(f)(1) Candidates may begin circulating petitions not earlier than ninety (90) days before the filing deadline under subdivision (e)(1) of this section.

(2) A signature dated more than ninety (90) days before the filing deadline under subdivision (e)(1) of this section shall not be counted by the county clerk as a valid signature.

(g)(1) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during the one-week period under subdivision (e)(1) of this section:

(A) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;

(B) An affidavit of eligibility; and

(C) The political practices pledge.

(2)(A) Upon receipt of the candidate's notice of intention to be a write-in candidate, the county clerk shall immediately verify that:

(i) The address where the candidate is registered to vote is within the election zone, if applicable, represented by the position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate; and

(ii) The position on the board of directors that the candidate has indicated on the notice of intention to be a write-in candidate is scheduled to be filled during the current election.

(B) The county clerk shall reject a notice of intention to be a write-in candidate that does not comply with subdivision (g)(2)(A) of this section.

(C) The county clerk shall inform the candidate:

(i) That the candidate's notice of intention to be a write-in candidate was accepted or rejected; and

(ii) If the candidate's notice of intention to be a write-in candidate was rejected, the reason for the rejection.

(h)(1) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) The county board of election commissioners shall not place the name of an unopposed candidate for school district director on the ballot during a school board election held concurrently with the preferential primary election or general election.

(i) The school district shall file the language required to submit the rate of tax for the school district to the voters during the annual school election with the county clerk of the county in which the school district is domiciled for administrative purposes as soon as that language becomes available but no later than sixty (60) days before the annual school election.

(j)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk of the county in which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk of the county within which the school district is domiciled for administrative purposes shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the county clerk of the county within which the school district is domiciled for administrative purposes.

(k) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than:

(1) The deadline to conduct the ballot draw for the preferential primary or general election for an annual school election held in even-numbered years;

(2) The seventh day of March for an annual school election held on the second Tuesday in May of an odd-numbered year; and

(3) Seventy-two (72) days before an annual school election held on the second Tuesday of November of an odd-numbered year.

(l) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

History. Acts 1969, No. 70, § 1; A.S.A. 1947, § 80-308; Acts 1991, No. 294, § 1; 1997, No. 443, § 2; 1999, No. 1078, § 51; 2001, No. 994, § 1; 2003, No. 1473, § 4; 2005, No. 1174, § 5; 2007, No. 1049, § 5; 2009, No. 1480, § 4; 2011, No. 1185, § 1; 2017, No. 586, §§ 1, 2; 2017, No. 910, § 3; 2019, No. 552, §§ 2, 3; 2019, No. 597, §§ 2-4; 2021, No. 349, § 1; 2021, No. 448, § 2; 2021, No. 610, § 3.

A.C.R.C. Notes. Both Acts 2021, No. 448 and Acts 2021, No. 610 amend subsection (k). Acts 2021, No. 448, is effective July 28, 2021, while Acts 2021, No. 610 is effective January 1, 2022. The amendment to subsection (k) by Acts 2021, No. 610, has been set out above as the subsection (k) text effective on and after January 1, 2022.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2019 amendment by No. 552 redesignated former (a)(2) as (a)(2)(A)(i); added "In a special school election or an annual school election not held with the preferential primary or general election" in (a)(2)(A)(i); added (a)(2)(A)(ii), (a)(2)(B), (a)(2)(C), and (a)(3); inserted (h) [now (i)] and redesignated the remaining subsections accordingly; in (j)(1), deleted "county" preceding the first occurrence of "board", inserted "of the county in which the school district is domiciled for administrative purposes", and inserted "county" preceding the second occurrence of "board"; in (j)(2), inserted "of the county

within which the school district is domiciled for administrative purposes" and added "within which the school district is domiciled for administrative purposes"; and made stylistic changes.

The 2019 amendment by No. 597 redesignated (e)(1)(A) as (e)(1)(A)(i); added "For even-numbered years" in (e)(1)(A)(i); added (e)(1)(A)(ii); in (e)(1)(B), substituted "12:00 noon on August 1 for school elections" for "12:00 noon ninety (90) days before the election for school elections", and substituted "held on the first Tuesday following the first Monday in November" for "held in odd years or concurrently with a general election"; substituted "ninety (90) days" for "thirty (30) days" in (f)(1) and (f)(2); redesignated (h) as (h)(1); and added (h)(2).

The 2021 amendment by No. 349 substituted "ninety (90) days before a general election" for "on August 1 for school elections held on the first Tuesday following the first Monday in November" in (e)(1)(B).

The 2021 amendment by No. 448 added (k)(2) and the (k)(1) designation; added (k)(1)(A)-(C); and added "if the election is to be held on the" in the introductory language of (k)(1).

The 2021 amendment by No. 610 deleted "seventy two (72) days before the annual school election" following "held not later than" in (k); and added (k)(1) through (k)(3).

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

6-14-113. [Repealed.]

A.C.R.C. Notes. The repeal of § 6-14-113 by Acts 2019, No. 757 supersedes the amendment of this section by Acts 2019, No. 910.

Publisher's Notes. This section, concerning election kits for school elections,

was repealed by Acts 2019, No. 757, § 7, effective July 24, 2019. The section was derived from Acts 1965, No. 71, §§ 1-3; A.S.A. 1947, §§ 80-332 — 80-334; Acts 1997, No. 443, § 4; 2019, No. 910, § 1181.

6-14-114. Counting of votes.

When the polls of each election are closed, the election officials shall immediately proceed to count the results and make returns of the votes under § 6-14-115, showing:

- (1) The number of votes cast for each person for school district director;
- (2) The number of votes cast for the school tax;
- (3) The number of votes cast against the school tax;

- (4) The number of mills for:
 - (A) The additional mills for maintenance and operation;
 - (B) The additional mills for maintenance and operation that have been designated dedicated maintenance and operation mills;
 - (C) The debt service millage; and
 - (D) The total millage rate levied for all purposes in the school district in excess of the uniform rate of tax; and
- (5) The number of votes cast for and against any other question submitted at the election.

History. Acts 1935, No. 30, § 11; Pope's Dig., § 11531; A.S.A. 1947, § 80-311; Acts 1997, No. 443, § 5; 1997, No. 1300, § 20; 2003 (2nd Ex. Sess.), No. 28, § 2; 2003 (2nd Ex. Sess.), No. 105, § 3; 2019, No. 552, § 4.

Amendments. The 2019 amendment substituted "returns of the votes under § 6-14-115" for "returns thereof to the county clerk" in the introductory language.

6-14-115. Return, canvass, and appeal — Filing.

(a)(1) The certification of a school district's election shall be conducted as follows:

(A) At the close of an election under § 6-14-111(a)(2), the election officials at each polling place or at the place of central tabulation shall make a return of the votes, certify the return, and file the certification with the county board of election commissioners of the county in which the school district is domiciled for administrative purposes;

(B) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes shall:

(i) Deliver the duplicate certified copy of each polling site's election results to the county clerk;

(ii) Declare preliminary and unofficial results of the county's election as soon as they are available; and

(iii) No earlier than forty-eight (48) hours and no later than fifteen (15) days after the election, proceed to ascertain and declare the results of the election and file the certification of election with the county clerk; and

(C) At the close of an election conducted under § 6-14-111(a)(3), the election officials at each polling place or at the place of central tabulation shall follow the general election procedures under § 7-5-527. Once the county board of election commissioners has certified the county's election results, the county board of election commissioners shall:

(i) No earlier than forty-eight (48) hours and no later than fifteen (15) days after the election, file the certification of the election results with the county clerk; and

(ii) File a certified copy of the results of any school district not domiciled for administrative purposes in the county with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) Based on the certified election results of each county conducting a school district's annual school election, the county clerk or his or her designee shall deliver to the person having the highest number of legal votes:

(A) A certificate of election;

(B) Notice of the requirement for a director elected to an initial or nonconsecutive term that he or she must subscribe to the director's oath under § 6-13-617;

(C) The date the ten (10) days to have the oath administered expires;

(D) A list of the individuals qualified to administer the oath under § 21-2-105;

(E) A copy of the director's oath with spaces for the date, the signature of the director, and the signature of the administrator of the oath; and

(F) Notice that the individual cannot assume the duties of a director until a copy of the administration of the oath is received by the county clerk or his or her designee.

(b) The county clerk of the county in which the school district is domiciled for administrative purposes shall file the following with the county clerk of each nondomicile county in which any part of the school district lies:

(1) Certified copies of the certified results of the election from each county; and

(2) Certification of the outcome of each race or issue on the school district's ballot.

(c) The county clerk of the county in which the school district is domiciled for administrative purposes shall submit to the Commissioner of Elementary and Secondary Education no later than five (5) days following the requirements set forth in subsection (a) of this section:

(1) Copies of the certified election results of the election of each county; and

(2) A certification of the outcome of each race or issue on the school district's ballot and the text of each issue.

History. Acts 1951, No. 403, § 1; 1979, No. 117, § 1; A.S.A. 1947, § 80-318; Acts 1987, No. 248, § 14; 1997, No. 443, § 6; 2003, No. 1165, § 1; 2005, No. 1174, § 6; 2015, No. 379, § 3; 2016 (3rd Ex. Sess.), No. 14, § 4; 2016 (3rd Ex. Sess.), No. 15, § 4; 2017, No. 275, § 3; 2017, No. 910, § 4; 2019, No. 552, § 5.

Amendments. The 2019 amendment rewrote (a)(1); added "Based on the certified election results of each county conducting a school district's annual school election" in (a)(2); and rewrote (b) and (c).

6-14-119. [Repealed.]

Publisher's Notes. This section, concerning compensation of election officials, was repealed by Acts 2019, No. 552, § 6, effective July 24, 2019. The section was

derived from Acts 1935, No. 30, § 9; Pope's Dig., § 11529; A.S.A. 1947, § 80-307; Acts 1997, No. 443, § 8.

6-14-121. Runoff elections.

(a)(1) Whenever there are more than two (2) candidates for election to any position on a board of directors at any election held in this state and whenever no candidate for any school district position receives a majority of the votes cast for the office or whenever there is a tie vote, there shall be a runoff election held in the school district.

(2) The names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors for that position on a school district board of directors.

(3) The runoff election shall be held:

(A) Four (4) weeks following the date of an election held in any odd-numbered year;

(B) On the date designated for the general primary election if the annual school election is held with the preferential primary election; or

(C) On the date designated for the general runoff election if the annual school election is held with the general election.

(b) The person receiving the majority of the votes cast for the position at the runoff election shall be declared elected.

(c) If one (1) of the two (2) candidates who received the highest number of votes for a position withdraws before certification of the result of the school election, the remaining candidate who received the most votes at the school election shall be declared elected to the office and there shall be no school election runoff.

(d)(1) In the event that the two (2) candidates seeking election to the same school district position shall receive the same number of votes in a runoff election, a tie shall be deemed to exist.

(2) The county board of election commissioners shall determine the winner by lot at an open public meeting and in the presence of the two (2) candidates.

(e) The provisions of this section are intended to be in addition to and supplemental to the laws of this state pertaining to the election of school district boards of directors.

(f) A runoff election shall be conducted using the same procedures as the election requiring the runoff election.

History. Acts 1987, No. 845, §§ 1, 2; 1993, No. 294, § 8; 1997, No. 443, § 10; 1999, No. 1078, § 53; 2005, No. 1174, § 9; 2007, No. 1049, § 6; 2017, No. 910, § 6; 2017, No. 1104, § 1; 2019, No. 552, § 7.

Amendments. The 2019 amendment added (f).

6-14-122. Consolidation, annexation, or merger of school districts. [Effective until January 1, 2022.]

(a) The consideration of the question of the consolidation or annexation of two (2) or more school districts, or parts thereof, in their entireties, kindergarten through twelfth grade (K-12), may be made at the annual school election with the issue of combining the school districts and the levying of a specified tax millage to support the new school district placed on the ballot as a single issue in order to assure that when the two (2) or more school districts, or parts thereof, are combined into one (1) school district, a single millage will be levied for support of the new school district.

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Elementary and Secondary Education, set a date for the annual school election in that year for the school districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards of directors, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the state board may call a special election to be held in accordance with § 7-11-201 et seq. to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.

(d) The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.

(e) If an election is not held in the newly formed school district, the vote on the millage for the newly formed school district will be held at the next annual school election.

History. Acts 1992 (1st Ex. Sess.), No. 62, § 1; 2001, No. 1225, § 2; 2005, No. 2145, § 5; 2007, No. 1049, § 7; 2009, No. 1480, § 5; 2021, No. 544, § 9.

Publisher's Notes. For text of section effective January 1, 2022, see the following version.

Amendments. The 2021 amendment by No. 544 substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (b).

6-14-122. Consolidation, annexation, or merger of school districts. [Effective January 1, 2022.]

(a) The consideration of the question of the consolidation or annexation of two (2) or more school districts, or parts thereof, in their entireties, kindergarten through twelfth grade (K-12), may be made at

the annual school election with the issue of combining the school districts and the levying of a specified tax millage to support the new school district placed on the ballot as a single issue in order to assure that when the two (2) or more school districts, or parts thereof, are combined into one (1) school district, a single millage will be levied for support of the new school district.

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Elementary and Secondary Education, set a date for the annual school election in that year for the school districts involved on a date under § 7-11-205, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards of directors, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the state board may call a special election to be held in accordance with § 7-11-201 et seq. to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.

(d) The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.

(e) If an election is not held in the newly formed school district, the vote on the millage for the newly formed school district will be held at the next annual school election.

History. Acts 1992 (1st Ex. Sess.), No. 62, § 1; 2001, No. 1225, § 2; 2005, No. 2145, § 5; 2007, No. 1049, § 7; 2009, No. 1480, § 5; 2021, No. 544, § 9; 2021, No. 610, § 4.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2021 amendment by No. 544 substituted "Commissioner of

Elementary and Secondary Education" for "Commissioner of Education" in (b).

The 2021 amendment by No. 610, in (b), substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" and substituted "under § 7-11-205" for "other than the date set in § 6-14-102 for all school districts".

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

6-14-124. Pre-election procedures for school elections held in school districts situated in more than one county.

(a)(1)(A) In all school elections conducted under § 6-14-111(a)(3) in which the school district is situated in two (2) or more counties, a candidate for board of directors of a school district shall file his or her nominating petition with the county clerk of the county in which the school district is domiciled for administrative purposes.

(B) The county clerk of the county in which the nominating petition is filed shall:

(i) Verify the signatures on the nominating petition from that county; and

(ii) If there are signatures from another county to be verified, immediately forward the nominating petition to the appropriate county clerk.

(C) The county clerk receiving the nominating petition shall return the nominating petition to the county clerk of the county in which the school district is domiciled for administrative purposes no later than five (5) days after the filing period ends.

(D) The county clerk of the county in which the school district is domiciled for administrative purposes shall:

(i) Certify the sufficiency of the nominating petition; and

(ii) File the certification with the county board of election commissioners in each county in which the school district has territory.

(2) In all school elections conducted under § 6-14-111(a)(3) in which the school district is situated in two (2) or more counties, the county clerk of the county in which the school district is domiciled for administrative purposes shall submit all ballot questions that have been filed with the county clerk for the annual school election to each county board of election commissioners in each county in which the school district has territory.

(b)(1) When a county clerk of a county in which the school district is domiciled for administrative purposes is notified of a special school election under § 7-11-203, the county clerk of the county in which the school district is domiciled for administrative purposes shall forward a copy of the calling document to the county clerk of each of the district's nondomicile counties.

(2) The county clerk of any nondomicile county conducting a special election on that same date shall immediately notify the county clerk of each county in which the school district is domiciled for administrative purposes under § 6-14-111(a)(2).

History. Acts 2019, No. 552, § 8.

CHAPTER 15

EDUCATIONAL STANDARDS AND QUALITY GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-15-101. [Repealed.]
- 6-15-102. Division of Public School Accountability.

SECTION.

- 6-15-103. School district waivers.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-101. [Repealed.]

Publisher's Notes. This section, concerning academic standards and expected outcomes, was repealed by Acts 2021, No. 544, § 10, effective July 28, 2021. The section was derived from Acts 2003, No. 1785, § 1; 2013, No. 1138, § 13.

Former § 6-15-101, concerning the

Educational Planning Act, was repealed by Acts 1993, No. 475, § 1. The section was derived from Acts 1983 (1st Ex. Sess.), No. 4, §§ 1, 2; 1983 (1st Ex. Sess.), No. 7, §§ 1, 2; A.S.A. 1947, §§ 80-478, 80-479.

6-15-102. Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in Arkansas's schools, the General Assembly finds that a Division of Public School Accountability should be established under

the direct operational control of the Commissioner of Elementary and Secondary Education.

(2) The foremost obligation of the Division of Public School Accountability shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and to report academic progress.

(b) There is created the Division of Public School Accountability under the Division of Elementary and Secondary Education.

(c) The Division of Public School Accountability shall be under the supervision of the Commissioner of Elementary and Secondary Education.

(d)(1)(A) The Commissioner of Elementary and Secondary Education shall select an individual to serve as the Assistant Commissioner of the Division of Public School Accountability, and the Assistant Commissioner of the Division of Public School Accountability shall serve at the pleasure of the Commissioner of Elementary and Secondary Education.

(B) The Commissioner of Elementary and Secondary Education may reassign as necessary appropriate staff for the Division of Public School Accountability sufficient to fulfill all obligations for monitoring and reporting in the Division of Public School Accountability.

(2) The person selected as the Assistant Commissioner of the Division of Public School Accountability shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the Division of Public School Accountability;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the State Board of Education or to the Commissioner of Elementary and Secondary Education shall be eligible to serve as the Assistant Commissioner of the Division of Public School Accountability.

(e) With guidance and approval from the Commissioner of Elementary and Secondary Education, the Assistant Commissioner of the Division of Public School Accountability shall be responsible for hiring all employees of the Division of Public School Accountability.

(f) The Division of Public School Accountability shall have the following responsibilities:

(1) To monitor schools for compliance with:

(A) State rules and federal regulations;

(B) Legislative acts and court-ordered mandates;

(C) All standards of learning and accreditation as established by the state board; and

(D) All rules as established by the state board;

(2) To coordinate the analysis, dissemination, and reporting of all state-mandated assessment information;

(3) To coordinate the implementation and administration of:

(A) Longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in other states;

(B) Value-added assessments as established by the state board; and

(C) The annual school performance reports as established by the state board;

(4) To administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(5) To work with the program approval and licensure sections of the Division of Elementary and Secondary Education, the Division of Higher Education, the Division of Career and Technical Education, and individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of licensed personnel in public and private institutions of higher education.

(g)(1) The Division of Public School Accountability shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the House Committee on Education, and the Senate Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year, and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

History. Acts 2003 (2nd Ex. Sess.), No. 90, § 1; 2005, No. 1672, § 4; 2007, No. 1573, §§ 2, 68; 2009, No. 376, § 15; 2013, No. 581, § 4; 2013, No. 1138, § 14; 2015, No. 1217, § 1; 2019, No. 315, § 201; 2019, No. 910, § 1182.

Amendments. The 2019 amendment by No. 315 inserted “rules” in (f)(1)(A); and deleted “and regulations” following “rules” in (f)(1)(D).

The 2019 amendment by No. 910 substituted “under the Division of Elementary and Secondary Education” for “of the Department of Education” in (a)(1) and (b); substituted “Commissioner of Elementary and Secondary Education” for

“Commissioner of Education” in (a)(1); substituted “Division of Public School Accountability” for “division” in (a)(2) and throughout (c) through (g); substituted “Assistant Commissioner of the Division of Public School Accountability” for “assistant commissioner of the division” and for “assistant commissioner” throughout (d) and in (e); and, in (f)(5), substituted “Division of Elementary and Secondary Education, the Division of Higher Education, the Division of Career and Technical Education” for “Department of Education, the Department of Higher Education, the Department of Career Education”.

6-15-103. School district waivers.

(a) A public school district may petition the State Board of Education for all or some of the waivers granted to an open-enrollment public charter school.

(b) The petition for all or some of the waivers granted to an open-enrollment public charter school that is submitted by a public school district shall include without limitation:

(1) The name of the open-enrollment public charter school that has the requested waiver; and

(2) A list of the waivers that the public school district seeks to have granted.

(c)(1)(A) The state board shall grant or deny, in whole or in part, a petition for a waiver submitted by a public school district within ninety (90) days of receiving the petition.

(B)(i) The Division of Elementary and Secondary Education may request additional information if necessary.

(ii) If the division determines that additional information is necessary, the state board shall grant or deny, in whole or in part, the petition for a waiver within ninety (90) days of receiving the requested additional information.

(2) The state board shall notify the superintendent of the public school district in writing of the decision of the state board.

(3) A waiver that is granted to a public school district, in whole or in part, shall be valid for the duration approved by the state board not to exceed the duration that the waiver is valid for the open-enrollment charter school.

(4) A waiver under this section shall not be granted for a period of time exceeding five (5) years.

(d) The division may promulgate rules to implement this section.

(e)(1) To conduct a review of a waiver granted under this section, the state board shall:

(A)(i)(a) Give a public school district superintendent and a local public school district board of directors' president at least fifteen (15) business days' notice in writing and by electronic mail of the state board's intent to conduct a review.

(b) Notification required under subdivision (e)(1)(A)(i)(a) of this section shall include the time, date, and location at which the review under this section will be conducted.

(ii) A failure to notify a public school superintendent and a local public school district board of directors' president as required under subdivision (e)(1)(A)(i) of this section shall result in a waiver of the right of the state board to conduct a review under this section until the notification requirement under subdivision (e)(1)(A)(i) of this section is met;

(B) Provide the specific reason for the state board's intent to conduct a review; and

(C) State additional information that is required by the division or the public school district.

(2) Following a review of a waiver granted under this section, the state board may modify, in whole or in part, or revoke, in whole or in part, a waiver granted under this section.

History. Acts 2015, No. 1240, § 1; 2019, No. 815, § 1; 2021, No. 678, § 1; 2021, No. 774, §§ 1-3.

Amendments. The 2019 amendment, inserted “public” preceding “school” throughout the section; deleted “that draws students from the school district” at the end of (a); added “without limitation” at the end of the introductory language of (b); substituted “has the requested waiver” for “draws students from the school district” in (b)(1); in (c)(3), inserted “to a public school district” and “approved

by the state board not to exceed the duration”, and substituted “waiver is” for “waivers are”; and added (c)(4) and (d).

The 2021 amendment by No. 678 added (e).

The 2021 amendment by No. 774 deleted former (b)(2) and redesignated former (b)(3) as (b)(2); added (c)(1)(B), and redesignated former (c)(1) as (c)(1)(A); substituted “division” for “Division of Elementary and Secondary Education” in (d); and made a stylistic change.

SUBCHAPTER 2 — THE QUALITY EDUCATION ACT OF 2003

SECTION.

6-15-202. Accreditation — Development of rules, criteria, and standards.

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

6-15-206. Subsequent failure to meet standards for accreditation.

6-15-209. Rules.

6-15-213. Course considered as taught under certain circumstances.

SECTION.

6-15-214. Advanced placement course counted as core curriculum course taught.

6-15-215. The Arkansas Smart Core Incentive Funding Program — Definitions.

6-15-216. Flexibility in awarding course credit.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-202. Accreditation — Development of rules, criteria, and standards.

(a)(1) The State Board of Education is authorized and directed to develop comprehensive rules, criteria, and standards to be used by the state board and the Division of Elementary and Secondary Education in the accreditation of school programs in elementary and secondary public schools in this state.

(2) In its rules, criteria, and standards promulgated under this subchapter, the state board shall include a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations.

(b)(1) All public schools and school districts shall meet the Standards for Accreditation of Arkansas Public Schools and School Districts that shall be adopted by the state board.

(2)(A) Except as provided under subdivisions (b)(2)(B)-(E) of this section, upon a showing of just cause, the state board may grant a waiver of any standard for accreditation for a time period of no longer than one (1) school year, except that no curriculum, student performance, school performance, or any standard required by law may be waived for any time period.

(B) The state board may grant a waiver of a standard for accreditation for a time period of longer than one (1) school year to a school district for the purpose of combining or embedding the curriculum frameworks from two (2) separate courses into one (1) combined or embedded course if:

(i) The school district timely makes an application for approval of the combined or embedded course to the division under the rules adopted by the state board;

(ii) The school district certifies in writing to the state board that all of the curriculum frameworks for the two (2) separate courses will be fully taught in the proposed combined or embedded course;

(iii) The division verifies in writing to the state board that all of the curriculum frameworks for the two (2) separate courses are included in the proposed combined or embedded course; and

(iv) The proposed combined or embedded course meets all requirements for course approval under the rules adopted by the state board.

(C) The state board shall grant a waiver of a standard only for accreditation for proposed combined or embedded courses in grades five through twelve (5-12).

(D) If the state board subsequently revises the curriculum frameworks for either of the separate courses that are combined or embedded into a single course, a school district must submit a new waiver request for a combined or embedded course as set forth in subdivisions (b)(2)(B) and (C) of this section.

(E) It is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts for a school to fail to teach the curriculum frameworks for each separate course that is combined or embedded into a single course.

(F) The state board shall promulgate rules necessary to administer subdivisions (b)(2)(B)-(E) of this section.

(3) A school district is deemed to have failed to meet the Standards for Accreditation of Arkansas Public Schools and School Districts if on any standard applicable to the general operation of a school district as defined by the state board the school district receives a probationary status.

(4) A school is deemed to have failed to meet the Standards for Accreditation of Arkansas Public Schools and School Districts if on any standard applicable to the specific operation of that school as defined by the state board the school receives a probationary status.

(c) The state board shall promulgate rules setting forth:

(1) The process for identifying schools and school districts that fail to meet the Standards for Accreditation of Arkansas Public Schools and School Districts;

(2) Enforcement measures the state board may apply to bring a school or school district into compliance with the Standards for Accreditation of Arkansas Public Schools and School Districts, including, but not limited to, annexation, consolidation, or reconstitution of the school district in accordance with § 6-13-1401 et seq. and this subchapter; and

(3) The appeal process available to a school district under this subchapter.

(d) After the rules are adopted and implemented by the state board, standards and procedures shall regularly be reviewed by the House Committee on Education and the Senate Committee on Education at least one (1) time every two (2) years, and recommendations and advice may be filed by the House Committee on Education and the Senate Committee on Education with the state board for its consideration.

(e)(1) The division shall conduct a Standards for Accreditation of Arkansas Public Schools and School Districts review for each public school or public school district in the state:

(A) Identified as being at a high risk of failing to meet the Standards for Accreditation of Arkansas Public Schools and School Districts; or

(B) Whenever the division or state board deems necessary.

(2) The review under subdivision (e)(1) of this section may be conducted on-site at the public school or public school district.

(f) The Commissioner of Elementary and Secondary Education may require that the superintendent of each school district file a written statement with the division as evidence that the school district for which the superintendent is responsible has complied with any or all of the following statutory requirements:

(1) Section 6-10-111(d)-(f) concerning the Equity Assistance Center;

(2) Section 6-11-129(a)(1) concerning data to be accessible on the district's website;

(3) Section 6-13-109 concerning employment of a school superintendent;

(4) Section 6-13-620 concerning powers and duties of the local school district board of directors;

(5) Section 6-13-801 et seq. concerning educational compacts;

(6) Section 6-15-202(b)(1) concerning accreditation;

(7) Section 6-15-2901 et seq. concerning the Arkansas Educational Support and Accountability Act;

(8) Section 6-15-502 concerning home schools;

(9) Section 6-15-902 concerning grading scale;

- (10) Section 6-15-1004 concerning qualified teachers;
- (11) Section 6-15-1101(b) concerning diplomas;
- (12) Section 6-15-1402 concerning the school performance report;
- (13) Section 6-15-1603 concerning closing the achievement gap;
- (14) Section 6-15-1701 et seq. concerning a parental involvement plan;
- (15) [Repealed.]
- (16) Section 6-16-102 concerning school day;
- (17) Section 6-16-103 concerning course of study generally;
- (18) Section 6-16-124 concerning Arkansas history;
- (19) Section 6-16-126 concerning food handling safety;
- (20) Section 6-16-130 concerning visual art and music;
- (21) Section 6-16-132 concerning physical education;
- (22) [Repealed.]
- (23) [Repealed.]
- (24) Section 6-16-1201 et seq. concerning advanced placement and concurrent enrollment;
- (25) Section 6-17-102 concerning emergency first aid personnel;
- (26) Section 6-17-201 concerning personnel policies;
- (27) Section 6-17-309 concerning licensure;
- (28) Section 6-17-401 et seq. concerning teacher's license requirement;
- (29) Section 6-17-2301 concerning establishment of personnel policies;
- (30) Section 6-17-2403 concerning teacher compensation;
- (31) Section 6-18-101 concerning qualifications for valedictorian and salutatorian, if applicable;
- (32) Section 6-18-201 et seq. concerning compulsory attendance;
- (33) Section 6-18-202 concerning age and residence for attending public schools;
- (34) Section 6-18-207 concerning minimum age for enrollment in public school;
- (35) [Repealed.]
- (36) Section 6-18-213 concerning attendance records and reports generally;
- (37) Section 6-18-223 concerning credit for college courses;
- (38) Section 6-18-501 et seq. concerning guidelines for development of school district student discipline policies and written student discipline policies;
- (39) Section 6-48-101 et seq. concerning alternative learning environments;
- (40) Section 6-48-103 concerning assessment and intervention in alternative learning environments;
- (41) Section 6-18-701 et seq. concerning physical examinations;
- (42) Section 6-18-2003 concerning a comprehensive school counseling program;
- (43) Section 6-19-101 et seq. concerning transportation;
- (44) Section 6-20-2202 concerning the budget and expenditure report;

(45) Section 6-21-106 concerning fire hazards inspection before closing for breaks;

(46) Section 6-21-112 concerning school facilities;

(47) Section 6-25-101 et seq. concerning public school library media and technology;

(48) Section 6-41-101 et seq. concerning services to children with disabilities in nonpublic schools;

(49) Section 6-42-101 et seq. concerning gifted and talented children;

(50) Section 6-17-2803(7) and rules promulgated by the state board concerning the required training and credentialing of evaluators under the Teacher Excellence and Support System, § 6-17-2801 et seq.; and

(51) Any other statutory mandate for school districts identified by the division as relevant to the Standards for Accreditation of Arkansas Public Schools and School Districts.

(g) In addition to any written statement of assurance required under subsection (f) of this section, the division may conduct an on-site review of a school district to confirm that a school district has complied with any statutory requirements listed in subsection (f) of this section or any other matter related to the Standards for Accreditation of Arkansas Public Schools and School Districts.

(h) The division shall establish a form for the written statement of assurance required under subsection (f) of this section and shall establish a date or dates by which school districts shall submit the written statement of assurance required under subsection (f) of this section.

(i) If any superintendent fails to file a written statement of assurance as required by the commissioner under subsection (f) of this section by the date established by the division or knowingly submits false information or if the division determines the information in the statement is inaccurate or incomplete, the division may:

(1) Conduct a random on-site visit;

(2) Request additional information from the school district;

(3) Take licensure action on the license of the superintendent under the procedure of § 6-17-410; or

(4) Find the school or school district in citation or probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1983, No. 445, § 4; A.S.A. 1947, § 80-4604; Acts 1997, No. 112, § 3; 2003, No. 1467, § 2; 2005, No. 1684, § 1; 2005, No. 2131, § 26; 2007, No. 54, § 2; 2007, No. 829, § 2; 2011, No. 1118, § 1; 2013, No. 421, § 1; 2013, No. 1138, §§ 15, 16; 2015, No. 1091, § 2; 2017, No. 869, § 1; 2017, No. 936, § 13; 2019, No. 190, § 1; 2019, No. 315, §§ 202-204; 2019, No. 757, §§ 8-11; 2019, No. 910, §§ 1183-1189.

Amendments. The 2019 amendment by No. 190 substituted “6-18-2003 concerning a comprehensive school counseling program” for “6-18-1005 concerning a student services program” in (f)(42).

The 2019 amendment by No. 315 substituted “rules” for “regulations” in (a)(1) and (a)(2); deleted “and regulations” following “rules” in the introductory language of (c); and substituted “rules” for “regulations” in (d).

The 2019 amendment by No. 757 repealed (f)(15), (f)(22), (f)(23), and (f)(35); and added “if applicable” to (f)(31).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1); substituted “division”

for “department” in (b)(2)(B)(iii), and throughout (e) through (i); and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in the introductory language of (f).

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

(a)(1) The Division of Elementary and Secondary Education annually shall notify all schools or school districts failing to meet the Standards for Accreditation of Arkansas Public Schools and School Districts for elementary and secondary schools not later than May 1 of each year of this determination.

(2)(A) However, at any time the division may immediately notify a public school or school district failing to meet the Standards for Accreditation of Arkansas Public Schools and School Districts for elementary and secondary schools when the failure is discovered by the division under § 6-15-202(i).

(B) A public school or school district notified by the division of the public school’s or school district’s failure to meet the Standards for Accreditation of Arkansas Public Schools and School Districts due to actions taken under § 6-15-202(i) shall have the same period of time to appeal to the State Board of Education as provided under subdivision (b)(3) of this section.

(b)(1) In the event that a school district affected by this subchapter believes the division has improperly determined that a school or school district fails to meet the Standards for Accreditation of Arkansas Public Schools and School Districts, the school district shall have a right of appeal thereafter to the state board.

(2) Any appeal shall be held in an open hearing, and the decision of the state board shall be in open session.

(3) Appeals must be filed not later than May 15 following the May 1 determination of accreditation status, and the state board hearing must be held before June 30 of the same calendar year.

(4) The state board may confirm the classification of a local school or school district as determined by the division, or it may sustain the appeal of the school district.

(5) An aggrieved school district may appeal the ruling of the state board to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1983, No. 445, § 6; A.S.A. 1947, § 80-4606; Acts 1993, No. 603, § 1; 2003, No. 1467, § 3; 2009, No. 1469, § 3; 2011, No. 989, §§ 12, 13; 2019, No. 910, §§ 1190, 1191.

Amendments. The 2019 amendment

substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1); and substituted “division” for “department” throughout (a)(2) and in (b)(1).

6-15-206. Subsequent failure to meet standards for accreditation.

(a) Any school or school district which fails to meet current standards for accreditation as determined by the Division of Elementary and Secondary Education shall be classified as probationary.

(b)(1) Notice thereof shall be filed with the school district in which the school is located that the school or school district must meet all standards for accreditation within no more than two (2) consecutive school years, including the year the probationary status is declared, or be subject to the mandates of this subchapter, including, but not limited to, possible consolidation, annexation, or reconstitution of a school district as provided under § 6-13-1401 et seq. and this subchapter.

(2) The division shall prepare and promulgate rules and guidelines for the maximum times allowable for correction of any violations of standards, provided no probationary status violation may exist for more than two (2) consecutive school years.

(c)(1) School districts shall submit annually evidence of compliance with standards for accreditation for the school district and each school in the school district.

(2) The division shall review annually the educational standards of school districts for the purpose of determining whether standards for accreditation of the schools therein are in compliance with current state standards for accreditation.

(d)(1) The division shall conduct a review of each school's compliance if the division has reason to believe that the school district or any school within the public school district has fallen below standards for accreditation.

(2) The review under subdivision (d)(1) of this section may be conducted on-site at the public school or public school district.

(e) The division shall cooperate with local schools and school authorities in order to assist affected school districts and schools therein to achieve compliance with the standards for accreditation as provided in this subchapter.

History. Acts 1983, No. 445, § 5; A.S.A. 1947, § 80-4605; Acts 1989, No. 481, § 1; 1993, No. 603, § 2; 2003, No. 1467, § 4; 2017, No. 869, § 2; 2019, No. 315, § 205; 2019, No. 910, § 1192-1196.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (b)(2).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a); and substituted "division" for "department" throughout the section.

6-15-209. Rules.

The State Board of Education shall promulgate rules as necessary to set forth the:

(1) Process for identifying and addressing a school or school district that is failing to meet the Standards for Accreditation of Arkansas Public Schools and School Districts;

(2) Process and measures to be applied to require a school or school district to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts, including, but not limited to, possible annexation, consolidation or reconstitution of a school district under § 6-13-1401 et seq. and this subchapter;

(3) Appeals process and procedures available to a school district pursuant to this subchapter and current law; and

(4) Definitions and meaning of relevant terms governing the establishment and governance of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2003, No. 1467, § 5; deleted “and regulations” following “rules” 2019, No. 315, § 206.

in the introductory language.

Amendments. The 2019 amendment

6-15-213. Course considered as taught under certain circumstances.

A course shall be considered as taught by a school district in compliance with the Standards for Accreditation of Arkansas Public Schools and School Districts if:

(1) A course required to be taught by a school district under the State Board of Education’s Standards for Accreditation of Arkansas Public Schools and School Districts:

(A) Has an enrollment of one (1) or more students and all students enrolled in the course leave the school district or drop the course after the course has commenced but before the completion of the course in each given school year or school semester the course is to be taught; or

(B) The school district made the course available to students as required but no students signed up to take the course;

(2) The school district superintendent certifies in writing that no student eligible to take the required course enrolled to attend the school district campus where the course was required to be taught after the initial student or students left the school district or that no eligible student enrolled in the course offered by the school district;

(3) The school district provides written proof, as required by the Division of Elementary and Secondary Education, that the school district had the course scheduled to be taught on the school district’s master course schedule during the entire time the course was required to be taught;

(4) The school district provides written proof, as required by the division, that the school district had a properly licensed teacher employed and able to teach the required course during the entire time the course was required to be taught on site at the school district, by independent study, or has access to the course via distance education

approved by the division, and the course was listed on the school district's master course schedule; and

(5) The division, upon review of proper records of the school district and information certified by the school district superintendent, confirms that the school district satisfied the requirements of subdivisions (2)-(4) of this section and verifies that the information submitted pursuant to subdivisions (2)-(4) of this section is correct.

History. Acts 2007, No. 219, § 1; 2013, No. 1138, § 17; 2015, No. 853, § 1; 2019, No. 910, § 1197.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (3); and substituted "Division of Elementary and Secondary Education" for "department" twice in (4).

6-15-214. Advanced placement course counted as core curriculum course taught.

(a) The purpose of this section is to assist small, rural public schools in providing students access to the most rigorous courses available if it is the desire of students to take advanced placement courses in the place of regular courses and, in doing so, to meet the requirements of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(b)(1) The Division of Elementary and Secondary Education acknowledges that the rigor and level of difficulty of advanced placement courses exceed the requirements of regular courses.

(2) Such rigor and level of difficulty are validated through the required advanced placement audit and advanced placement examinations.

(c) The State Board of Education shall consider an advanced placement course as being taught for one (1) of the required courses under the Standards for Accreditation of Arkansas Public Schools and School Districts if:

(1) The public school district has a qualified teacher for the required course;

(2) No students enrolled in the required course;

(3) An advanced placement course in the same subject area as the required course has students enrolled in the advanced placement course;

(4) The public school district teaches all other courses required by the Standards for Accreditation of Arkansas Public Schools and School Districts; and

(5)(A) The public school district teaches the required course to any student who enrolls in the public school district after the school year begins.

(B) The public school district may teach the required course to a new student:

(i) In a traditional classroom setting;

(ii) Through distance learning with a qualified teacher; or

(iii) By modifying the advanced placement course on an individual level to accommodate the new student.

(d)(1) The public school district shall notify the division after registration in the spring before the beginning of the new school year and immediately after the school year begins if no students enrolled in the required course and the public school district will seek to meet the Standards for Accreditation of Arkansas Public Schools and School Districts using the advanced placement course.

(2) Upon receiving the public school district notification and after spring registration, the division shall permit the public school district to meet the Standards for Accreditation of Arkansas Public Schools and School Districts by teaching the advanced placement course in place of the required course.

(e) If a new student enrolls in the required course, the public school district shall immediately notify the division.

(f) The division shall establish procedures to ensure that no student is coerced into taking an advanced placement course for the purpose of meeting the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2007, No. 1015, § 1; Secondary Education” for “Department of Education” in (b)(1); and substituted “division” for “department” in (d) twice and

Amendments. The 2019 amendment substituted “Division of Elementary and in (f).

6-15-215. The Arkansas Smart Core Incentive Funding Program — Definitions.

(a) The General Assembly finds that:

(1) The skills and knowledge gained through Arkansas’s Smart Core curriculum provide the academic foundation required for high school graduates to succeed in their first year of college or in a job that promises a well-paying career track; and

(2) School districts should encourage all students who are capable of completing the Smart Core curriculum to do so.

(b) As used in this section:

(1) “Eligible high school” means each public high school in a school district that meets the criteria to receive incentive funding under subsection (f) of this section and the program rules adopted under this section by the State Board of Education;

(2) “Smart Core” means the curriculum established by the Division of Elementary and Secondary Education under the Standards for Accreditation of Arkansas Public Schools and School Districts that is part of Smart Future, a state initiative focused on improving Arkansas public high schools for all students; and

(3) “Smart Core graduate” means a student who graduated from an Arkansas public high school after having successfully completed the Smart Core curriculum.

(c) The Arkansas Smart Core Incentive Funding Program is established to provide a financial incentive to:

(1) Assist with a public high school's efforts to encourage public high school students to complete the Smart Core curriculum;

(2) Promote programs that contribute to student success, including without limitation:

(A) Tutoring;

(B) Quality after-school and summer programs that may include literacy, math, and science specialists in elementary school; and

(C) Professional development for mathematics, science, literacy, foreign language, and Advanced Placement instruction; and

(3) Provide support to school counselors to improve student services.

(d)(1)(A) A school district that receives incentive funding under this section shall provide the incentive funding to each eligible high school in the school district.

(B) The eligible high school shall spend the incentive funding only for the purposes identified in subsection (c) of this section.

(2) A school district that receives incentive funding under the program shall not use the incentive funding to provide increases to the salary schedule of the school district.

(e)(1) Subject to an appropriation and available funding for the program, the division shall pay incentive funding to a school district under this section based on an annual percentage of Smart Core graduates from a public high school in the school district.

(2)(A) The division shall make the calculation based on a student record analysis conducted annually by the division beginning with the graduating class of 2010.

(B) The division shall exclude from the student record analysis a student with an individualized education program that does not require the student to complete the Smart Core curriculum.

(f)(1) By June 30 of each year, the division shall pay to a school district incentive funding under the program as follows:

(A) If one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred twenty-five dollars (\$125) per Smart Core graduate;

(B) If at least ninety-five percent (95%) but less than one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred dollars (\$100) per Smart Core graduate; and

(C) If at least ninety percent (90%) but less than ninety-five percent (95%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive fifty dollars (\$50.00) per Smart Core graduate.

(2) The division shall not pay incentive funding to a school district for a public high school in which less than ninety percent (90%) of its graduates complete the Smart Core curriculum.

(3) If a public high school's graduation rate falls below the average graduation rate for the public high school for the previous three (3) school years, the school district is not eligible to receive the full incentive award under the program for the public high school.

(g) Participation in the program is voluntary.

(h) This section is effective from July 1, 2009, through June 30, 2020.

History. Acts 2009, No. 1481, § 1; 2019, No. 692, § 3; 2019, No. 910, §§ 1201-1204.

Amendments. The 2019 amendment by No. 692 deleted "the College Preparatory Enrichment Program (CPEP) and" following "include" in (c)(2)(B).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(2); and substituted "division" for "department" throughout the section.

6-15-216. Flexibility in awarding course credit.

(a)(1) Beginning in the 2018-2019 school year, a public school district may submit a plan for approval to the Division of Elementary and Secondary Education to award units of high school course credit based on a demonstration of subject matter competency instead of, or in combination with, completing hours of classroom instruction.

(2) The plan shall include a method for recording demonstrated subject matter competency on high school transcripts.

(b) Upon approval, a public school district shall not be in violation of any requirement in the Standards for Accreditation of Arkansas Public Schools and School Districts that units of credit be awarded for a minimum number of clock hours if the public school district awards units of credit based on a demonstration of subject matter competency instead of, or in combination with, completing hours of classroom instruction if the awarding of credit is in compliance with the public school district's approved plan.

(c) The division may promulgate rules to implement this section, including without limitation guidelines to assist public school districts in transitioning to awarding credits as provided under this section.

History. Acts 2017, No. 872, § 1; 2019, No. 910, §§ 1205, 1206.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" in (c).

SUBCHAPTER 5 — HOME SCHOOLS

SECTION.

6-15-502. Rules and procedures for monitoring and enforcing provisions.

6-15-503. Prerequisites to home schooling.

6-15-509. Participation of home-schooled students in interscholastic activities — Definitions.

SECTION.

6-15-510. Participation in interscholastic activities at private schools — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-502. Rules and procedures for monitoring and enforcing provisions.

(a) The provisions of § 6-18-201(a) shall be self-executing, and the State Board of Education shall have no authority to promulgate rules or guidelines for the enforcement or administration thereof.

(b) The state board is empowered to make such reasonable rules required for the proper administration of this subchapter which are not inconsistent with the intent of this subchapter.

History. Acts 1985 (1st Ex. Sess.), No. 40, § 7; 1985 (1st Ex. Sess.), No. 42, § 7; A.S.A. 1947, § 80-1503.10; Acts 1995, No. 1296, § 15; 1997, No. 400, § 1; 2019, No. 315, § 207.

Amendments. The 2019 amendment deleted "regulations" following "Rules" in the section heading; deleted "regulations" following "rules" in (a); and deleted "and regulations" following "rules" in (b).

6-15-503. Prerequisites to home schooling.

(a)(1) Parents or legal guardians desiring to provide a home school for their children shall give written notice to the superintendent of their local school district of their intent to provide a home school for their children and agree that the parent or legal guardian is responsible for the education of his or her children during the time the parent or legal guardian provides a home school for the children:

(A) At the beginning of each school year but no later than August 15; or

(B) Subject to the provisions of subsection (d) of this section, five (5) school days before withdrawing the student from the local school district and at the beginning of each school year thereafter.

(2) Within thirty (30) calendar days of establishing residency within the school district, parents or legal guardians moving into the school district during the school year shall give written notice to the superintendent of their local school district of their intent to provide a home school for their children and agree that the parent or legal guardian is responsible for the education of his or her children during the time the parent or legal guardian provides a home school for the children.

(3) The notice shall include:

- (A) The name, sex, date of birth, grade level, and name and address of the school last attended, if any, of each student involved;
- (B) The mailing address and telephone number of the home school;
- (C) The name of the parent or legal guardian providing the home school;

(D)(i) A statement of plans to participate during the school year in public school interscholastic activities under § 6-15-509.

(ii) A failure to provide the information under subdivision (a)(3)(D)(i) of this section does not preclude the student from participating in public school interscholastic activities under § 6-15-509;

(E) A statement of plans to seek a high school equivalency diploma during the current school year; and

(F) The signature of the parent or legal guardian.

(4) A written notice under this subsection may be given:

- (A) Electronically, including without limitation by email;
- (B) By mail; or
- (C) In person.

(b) The information provided to the superintendent of the student's local school district under subsection (a) of this section:

(1) Is confidential and not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.; and

(2) May be used only for statistical and recordkeeping purposes as required by law.

(c) Each local school district shall report the statistical data required by this section to the Division of Elementary and Secondary Education each year.

(d)(1) No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy, including, but not limited to, excessive unexcused absences.

(2) Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:

- (A) The superintendent or local school district board of directors chooses to allow the child to enroll in a home school;
- (B) The disciplinary action against the student has been completed or the school semester has ended, whichever occurs first; or
- (C) The student has been expelled.

(e) The division and the student's local school district shall not create additional criteria or require additional information for a student to attend a home school beyond that provided in this section.

(f)(1) A student who is enrolled in a public school and who has been temporarily issued items, resources, supplies, materials, or other property belonging to the public school at which he or she is enrolled is eligible for enrollment in a home school after:

- (A) The items, resources, supplies, materials, or other property belonging to the public school district at which the student is enrolled have been returned to the public school;

(B) The items, resources, supplies, materials, or other property belonging to the public school district at which the student is enrolled have been paid for; or

(C) The semester has ended.

(2) However, the public school district superintendent or the local school district board of directors may waive the required five-school-day waiting period required under subdivision (a)(1)(B) of this section if the public school district superintendent or the local school district board of directors is satisfied with the return of temporarily issued items, resources, supplies, materials, or other property belonging to a public school student.

History. Acts 1985 (1st Ex. Sess.), No. 40, § 3; 1985 (1st Ex. Sess.), No. 42, § 3; A.S.A. 1947, § 80-1503.6; Acts 1987, No. 260, § 1; 1995, No. 522, § 1; 1997, No. 400, § 2; 1999, No. 1117, §§ 1, 2; 2017, No. 635, § 1; 2019, No. 910, §§ 1207, 1208; 2021, No. 544, § 11; 2021, No. 623, §§ 1-3.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c); and substituted "division" for "department" in (e).

The 2021 amendment by No. 544 deleted former (a)(3)(F) and redesignated (a)(3)(G) as (a)(3)(F); and made a stylistic change.

The 2021 amendment by No. 623 redesignated former (a)(1)(B)(i) as (a)(1)(B) and deleted former (a)(1)(B)(ii); in (a)(1)(B), substituted "five (5) school days" for "fourteen (14) calendar days", and substituted "student" for "children"; deleted former (a)(3)(F); and added (f).

6-15-509. Participation of home-schooled students in interscholastic activities — Definitions.

(a) The General Assembly recognizes that all students should have equal access to interscholastic activities as a complement to the academic curriculum.

(b) As used in this section:

(1) "Athletic activity" means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students either among schools within the resident school district or between schools outside of the resident school district;

(2) "Home-schooled student" means a student legally enrolled in an Arkansas home school;

(3) "Interscholastic activity" means an activity between schools subject to rules of the Arkansas Activities Association that is:

(A) Outside the regular curriculum of a school district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and

(B) Taught by an individual with a minimum of a high school diploma;

(4) "Parent" is a:

(A) Legal guardian; or

(B) Legal custodian;

(5) "Resident school" is the school to which the student would be assigned by the resident school district; and

(6) "Resident school district" means the school district in which the home-schooled student's parent resides as determined under § 6-18-202.

(c)(1)(A) Except as provided in subdivision (c)(2) of this section, a home-schooled student shall not participate in interscholastic activities at a public school other than the student's resident school.

(B) A home-schooled student may participate in interscholastic activities at a public school other than the home-schooled student's resident school by mutual agreement between the resident school and any other public school where the home-schooled student wishes to participate.

(2) A home-schooled student approved under subdivision (c)(1)(B) of this section to participate in interscholastic activities at a public school other than the home-schooled student's resident school may begin participating:

(A) In an interscholastic activity that is not an athletic activity immediately upon being approved to participate; and

(B)(i)(a) Except as provided in subdivision (c)(2)(B)(ii) of this section, in an interscholastic activity that is an athletic activity one (1) calendar year after being approved to participate.

(b) A home-schooled student under subdivision (c)(2)(B)(i)(a) of this section may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity that is an athletic activity.

(ii) A home-schooled student may begin participating in an interscholastic activity that is an athletic activity immediately upon being approved to participate if the home-schooled student is approved to participate by July 1 of the school year for which the home-schooled student will be enrolled in grade seven (7).

(3) A home-schooled student shall not participate in interscholastic activities at more than one (1) public school at the same time.

(d) A resident school district may permit a home-schooled student to participate in an interscholastic activity if:

(1) For the purpose of subsection (g) of this section, the home-schooled student reports to the resident school district within the first eleven (11) days of the fall or spring semester of the resident school district; and

(2) The home-schooled student or his or her parent advises the principal of the resident school in writing of the home-schooled student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the resident school.

(e) The principal of the resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the home-schooled student or the home-schooled student's parent:

(1) Before the signup, tryout, or participation deadlines established for students enrolled in the resident school, provides to the principal a notice of the home-schooled student's desire to pursue participation; and

(2) Informs the principal in the notice that the home-schooled student has demonstrated academic eligibility by obtaining:

(A) A minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

(B) A minimum score on a test approved by the State Board of Education.

(f) If a home-schooled student's written request to participate in the interscholastic activity is approved under this section, the home-schooled student:

(1) Although not guaranteed participation in an interscholastic activity, shall have an equal opportunity to try out and participate in interscholastic activities without discrimination; and

(2) Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the resident school district, including:

(A) Tryout criteria;

(B) Standards of behavior and codes of conduct;

(C) The academic criteria under subdivision (e)(2) of this section;

(D) Practice times;

(E) Required drug testing;

(F) Permission slips, waivers, and physical exams; and

(G) Participation or activity fees.

(g) A home-schooled student who participates in an interscholastic activity may be:

(1) Required to be at school not more than one (1) period per school day; and

(2) Transported by the resident school district to and from interscholastic activities as the resident school district transports other students who are enrolled in the resident school.

(h) A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.

(i)(1) A public school shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

(2) The alternative under subdivision (i)(1) of this section shall provide the home-schooled student with the same opportunity to participate in an interscholastic activity as a public school student.

History. Acts 2013, No. 1469, § 1; 2017, No. 592, §§ 1-3; 2019, No. 315, § 208. **Amendments.** The 2019 amendment substituted “rules” for “regulations” in the introductory language of (b)(3).

6-15-510. Participation in interscholastic activities at private schools — Definitions.

(a) As used in this section:

(1) “Athletic activity” means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students between schools;

(2) “Home-schooled student” means a student legally enrolled in an Arkansas home school;

(3) “Interscholastic activity” means an activity between schools subject to rules of the Arkansas Activities Association that is:

(A) Outside the regular curriculum of the school, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and

(B) Taught by an individual with a minimum of a high school diploma; and

(4) “Parent” is a legal guardian or legal custodian.

(b) A private school may approve a home-schooled student to participate in an interscholastic activity if:

(1) The home-schooled student or his or her parent notifies the administrative head of the private school in writing:

(A) Of the home-schooled student’s request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the private school; and

(B) That the home-schooled student has demonstrated academic eligibility by obtaining:

(i) A minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

(ii) A minimum score on a test approved by the State Board of Education; and

(2) The home-schooled student lives within a twenty-five-mile radius of the private school.

(c) If a home-schooled student’s written request to participate in the interscholastic activity is approved under this section, the home-schooled student:

(1) Although not guaranteed participation in an interscholastic activity, shall have an equal opportunity to try out and participate in interscholastic activities without discrimination; and

(2) Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the private school, including:

(A) Tryout criteria;

(B) Standards of behavior and codes of conduct;

(C) The academic criteria under subdivision (b)(1)(B) of this section;

- (D) Practice times;
- (E) Required drug testing;
- (F) Permission slips, waivers, and physical exams; and
- (G) Participation or activity fees.

(d) A home-schooled student who participates in an interscholastic activity may be:

(1) Required to be at the private school not more than one (1) period per school day; and

(2) Transported by the private school to and from interscholastic activities as the private school transports other students who are enrolled in the private school.

(e)(1) A student who withdraws from an Arkansas Activities Association member school to be home schooled shall not participate in an interscholastic activity in a private school for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.

(2) A student who has not withdrawn from an Arkansas Activities Association member school to become home schooled may begin participating in an interscholastic activity in a private school immediately upon being approved to participate.

(f)(1) A home-schooled student approved under subsection (b) of this section to participate in interscholastic activities at a private school may begin participating in an interscholastic activity that is an athletic activity immediately upon being approved to participate by July 1 of the school year the home-schooled student will be participating in the interscholastic activity.

(2) A home-schooled student approved under subsection (b) of this section may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity that is an athletic activity.

(3) If an interscholastic activity is not an athletic activity, a home-schooled student approved under subsection (b) of this section to participate in interscholastic activities at a private school may begin participating in the interscholastic activities that are not athletic activities immediately upon being approved to participate.

(g) A home-schooled student shall not participate in interscholastic activities at more than one (1) private school at the same time.

(h) A private school may establish additional requirements, policies, or standards for home-schooled students to participate in interscholastic activities at the private school under this section.

(i) A private school shall not be required to allow a home-schooled student to participate in an interscholastic activity under this section.

History. Acts 2017, No. 453, § 1; 2019, No. 315, § 209; 2019, No. 656, § 1.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in the introductory language of (a)(3).

The 2019 amendment by No. 656 redesignated former (e) as (e)(1) and added (e)(2); rewrote (f); and made stylistic changes.

SUBCHAPTER 9 — UNIFORM GRADING SCALE FOR PUBLIC SCHOOLS

SECTION.

6-15-902. Grading scale — Exemptions — Special education classes.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-902. Grading scale — Exemptions — Special education classes.

(a) The following grading scale shall be used by all public secondary schools in the state for all courses, except advanced placement courses, approved courses for weighted credit, and courses offered under the International Baccalaureate Diploma Programme:

- (1) A = 90-100;
- (2) B = 80-89;
- (3) C = 70-79;
- (4) D = 60-69; and
- (5) F = 59 and below.

(b)(1) Each letter grade shall be given a numeric value for the purpose of determining grade average.

(2) Except for advanced placement courses, approved courses for weighted credit, courses offered under the International Baccalaureate Diploma Programme, and honors courses, the numeric value for each letter grade shall be:

- (A) A = 4 points;
- (B) B = 3 points;
- (C) C = 2 points;
- (D) D = 1 point; and
- (E) F = 0 points.

(c)(1) The State Board of Education shall:

(A) Adopt appropriate equivalents for advanced placement and college courses; and

(B) Recommend a uniform grading structure for honors courses.

(2) Weighted credit shall be allowed for advanced placement courses and courses offered under the International Baccalaureate Diploma Programme if:

(A) The student takes the entire advanced placement course or the entire course offered in the International Baccalaureate Diploma Programme in a particular subject;

(B) The student completes the applicable test offered by the College Board for advanced placement courses at the end of the advanced placement course or the applicable test offered by the International Baccalaureate at the time prescribed by the organization; and

(C)(i) A teacher of an advanced placement course meets Arkansas teacher licensure requirements and:

(a) Attends at least one (1) of the following trainings no less than one (1) time every five (5) years:

(1) College Board Advanced Placement Summer Institute;

(2) College Board-endorsed training; or

(3) Other similarly rigorous training approved by the Division of Elementary and Secondary Education; or

(b) Completes an additional training plan for advanced placement within three (3) years of commencing the additional training plan; or

(ii) A teacher of a course offered under the International Baccalaureate Diploma Programme meets Arkansas teacher licensure requirements and attends the training required by the International Baccalaureate.

(3) The Division of Elementary and Secondary Education may approve a course for weighted credit if the course:

(A) Exceeds the curriculum standards for a nonweighted credit class; or

(B) Meets or exceeds the standards of a comparable advanced placement class.

(4) The Division of Elementary and Secondary Education in collaboration with the Division of Career and Technical Education may approve a career and technical course for weighted credit if the course:

(A) Exceeds the curriculum standards for a nonweighted class; and

(B) Leads to an approved industry-recognized certification.

(5)(A) A local school district board of directors may adopt a policy to allow high school students in the public school district to take college courses for weighted credit equal to the numeric grade awarded in advanced placement courses, courses offered under the International Baccalaureate Diploma Programme, and honors classes.

(B)(i) If a local school district board of directors adopts a policy under subdivision (c)(5)(A) of this section, the school district shall apply to the Division of Elementary and Secondary Education for approval.

(ii) An application under subdivision (c)(5)(B)(i) of this section shall be reviewed for approval to assign a numeric grade value, which may include weighted credit, based on the following:

(a) A letter from the superintendent of the public school district or principal of the public school describing how the course exceeds expectations for coursework required under the Standards for Accreditation of Arkansas Public Schools and School Districts; and

(b) The grade level or levels of public school students who will be enrolled in the course.

(d) A public school district may use the grading scale in this section in the public school district's elementary schools.

(e) The Division of Elementary and Secondary Education may promulgate rules to implement this section.

History. Acts 1991, No. 1070, § 1; 1993, No. 1188, § 1; 2001, No. 1121, § 1; 2005, No. 2151, § 14; 2005, No. 2152, § 1; 2017, No. 745, § 15; 2019, No. 632, § 1; 2019, No. 910, § 1209.

Amendments. The 2019 amendment by No. 632 inserted "approved courses for weighted credit" in (a); redesignated the first sentence of (b) as (b)(1) and the remainder of (b) as (b)(2); inserted "approved courses for weighted credit" in (b)(2); added the (c)(1)(A) and (c)(1)(B) designations; rewrote (c)(2)(C)(i); inserted (c)(3) and (c)(4), and redesignated former (c)(3) as (c)(5); in (c)(5)(A), deleted "decide

whether to" preceding "adopt", and inserted "public"; rewrote (c)(5)(B)(i); substituted "An application under subdivision (c)(5)(B)(i) of this section" for "The application" in the introductory language of (c)(5)(B)(ii); inserted "public" twice in (c)(5)(B)(ii)(a); inserted "public school" in (c)(5)(B)(ii)(b); in (d), inserted "public" twice and substituted "may use" for "shall have the option of using"; added (e); and made stylistic changes.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c)(3)(B)(i) [now (c)(5)(B)(i)].

SUBCHAPTER 10 — ARKANSAS PUBLIC EDUCATION ACT OF 1997

SECTION.

6-15-1003. Academically competent students.

6-15-1004. Qualified teachers in every public school classroom — Definition.

6-15-1005. Safe, equitable, and accountable public schools.

SECTION.

6-15-1006. Assistance and support.

6-15-1007. Arkansas Leadership Academy.

6-15-1011. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-1003. Academically competent students.

(a)(1) Arkansas public school students will achieve competency in the basic core of knowledge and skills.

(2) Students will meet required standards in academic areas of the curriculum that will serve as a basis for students to pursue immediate and lifelong educational and employment opportunities.

(3) Students will achieve competency in:

(A) Language arts, writing, spelling, speaking, listening, and reading;

(B) Math, computation, measurement, probability and statistics;

(C) Problem solving, basic algebra, data analysis, and geometry concepts;

(D) Science, physical and life science knowledge and scientific problem solving; and

(E) Social studies, history, geography, economics, and civic education.

(b)(1) Arkansas public school students will apply practical knowledge and skills.

(2) Students will meet required academic standards in those areas that will better prepare them for lifelong career opportunities.

(3) Students will achieve competency at the local level in computer science and other technologies and in practical economic and consumer skills and will be offered courses in vocational preparation skills.

(c)(1) Arkansas public school students will demonstrate achievement.

(2) School districts, schools, and students shall participate in the state assessments in the basic core of knowledge and skills as defined by the Division of Elementary and Secondary Education in the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

History. Acts 1991, No. 236, § 1; 1997, No. 1108, § 3; 1999, No. 999, § 11; 2017, No. 936, § 14; 2019, No. 910, § 1210. substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c)(2).

Amendments. The 2019 amendment

6-15-1004. Qualified teachers in every public school classroom — Definition.

(a)(1) Arkansas teachers will demonstrate competency in subject matter content on identified assessments appropriate to their teaching area in order to be granted a license to teach in the state under rules promulgated by the State Board of Education.

(2) If there is no assessment available under subdivision (a)(1) of this section for a new licensure area for subject matter content, the Division of Elementary and Secondary Education may request that the state board approve an alternative method of demonstrating subject matter content competency.

(b) In order to obtain a teaching license, Arkansas teachers will demonstrate the ability to increase student academic achievement by demonstrating competency on assessments of teaching methods approved by the state board that result in increased student achievement.

(c)(1) To renew a teaching license, a teacher shall participate in continuing education and professional development:

(A) Based on the teacher's evaluation and professional growth plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.;

(B) As required under § 6-17-704 and other law; and

(C) As required by rule of the state board.

(2)(A) For purposes of the requirement for continuing education and professional development under the Standards for Accreditation of Arkansas Public Schools and School Districts, five (5) hours of credit for professional development shall be given for each one (1) hour of college credit for a graduate-level course if the college credit is:

(i) Related to and enhances the teacher's knowledge of the subject area in which the teacher is currently teaching;

(ii) Part of the requirements for the teacher to obtain additional licensure in a subject matter that has been designated by the Division of Elementary and Secondary Education as having a critical shortage of teachers; or

(iii) Otherwise approved by the Division of Elementary and Secondary Education under subdivision (c)(2)(B) of this section as a graduate-level course eligible for professional development credit.

(B)(i) Credit for professional development obtained under subdivision (c)(2)(A) of this section may be allocated as follows:

(a) Up to fifteen (15) hours may be credited to the professional development requirements for licensure; and

(b) Hours obtained in excess of fifteen (15) may be credited to any remaining requirements for professional development generally, if approved by the school district in a professional development plan.

(ii) The allocation of credit for professional development claimed under subdivision (c)(2)(A) of this section shall be approved by the:

(a) School district or public charter school employing the teacher; or

(b) Division of Elementary and Secondary Education, if the educator is not employed by a school district or public charter school.

(C) For purposes of the requirement for continuing education and professional development under this section, each hour of training received by licensed personnel related to teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service shall be counted as professional development up to a maximum of thirty (30) hours.

(3) However, nothing in subdivision (c)(2) of this section shall prevent or restrict a school district from requiring additional in-service training.

(d) A teacher shall not be assigned to teach a grade level or a subject for which he or she is not fully or provisionally licensed by the state unless he or she meets one (1) of the following licensure exceptions as established by rules promulgated by the state board:

(1)(A) An emergency teaching permit granted to a school district for a position filled by a nonlicensed teacher who meets the Arkansas Qualified Teacher requirements promulgated by the state board.

(B) An emergency teaching permit may be granted annually for not more than two (2) consecutive school years;

(2) An effective teacher licensure exception granted to a school district for a position to be filled by an Arkansas licensed educator to teach a content area related to the educator's current licensure content area;

(3) A technical permit issued in cooperation with the Division of Career and Technical Education;

(4) A licensure exception under:

(A) The District of Innovation Program, § 6-15-2801 et seq.;

(B) The Arkansas Quality Charter Schools Act of 2013, § 6-23-101 et seq.; or

(C) Section 6-15-103;

(5) A plan for adding an area to an existing Arkansas teaching license while teaching in the content area to be added; or

(6) A waiver for a long-term substitute teacher granted under subsection (e) of this section.

(e)(1) For purposes of this section, "long-term substitute" means an individual who:

(A) Holds:

(i) A bachelor's degree from an accredited college or university; or

(ii) An Arkansas teaching license; and

(B) Is substituting for a teacher of record for thirty-one (31) or more consecutive school days in the same class during a school year.

(2) No class of students shall be under the instruction of one (1) or more substitute teachers for more than thirty (30) consecutive school days in the same class during a school year unless the school district has obtained a long-term substitute waiver.

(3) A long-term substitute teacher or teachers shall continue to teach the class from at least the thirty-first consecutive day after the regular teacher is absent from the class until the return of the regular teacher to that class.

(4) A person serving as a substitute teacher for thirty (30) days or fewer shall:

(A) Be a high school graduate; or

(B) Hold a graduate equivalent degree.

(5) The state board shall develop rules for granting a long-term substitute waiver.

History. Acts 1991, No. 236, § 1; 1993, No. 405, § 1; 1997, No. 1108, § 4; 1999, No. 1382, § 1; 2003, No. 1728, § 1; 2005, No. 1183, § 1; 2005, No. 2131, § 28; 2007, No. 46, § 1; 2007, No. 57, § 1; 2011, No. 1209, § 2; 2013, No. 1138, §§ 18, 19; 2015, No. 1090, § 1; 2015, No. 1091, § 3; 2017, No. 294, §§ 1, 2; 2019, No. 315, § 210; 2019, No. 910, §§ 1211-1213.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (e)(5).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2), (c)(2)(A)(ii), and (c)(2)(A)(iii); and substituted "Division of Career and Technical Education" for "Department of Career Education" in (d)(3).

6-15-1005. Safe, equitable, and accountable public schools.

- (a)(1) Arkansas schools will have safe and functional facilities.
- (2) All school buildings will meet existing state and federal requirements.
- (3) Instructional facilities will be designed and structured to support learning.
 - (b)(1) The school climate will promote student achievement.
 - (2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.
 - (B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.
 - (3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.
 - (4) Every school and school district will have in place a policy on addressing disruptive students.
 - (5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.
 - (B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.
 - (c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.
 - (d) Every school will offer opportunities for students to be able to study and participate in the visual and performing arts, health and physical education, and languages.
 - (e) All public schools will participate in the state school improvement process:
 - (1)(A) Every school will engage in the collection and analysis of perceptual, archival, and achievement data in order to establish school and school district goals to improve student academic achievement.
 - (B) Students shall not be surveyed on values and beliefs;
 - (2) Every school will develop and implement a data-driven school-level improvement plan based on these analyses that leads to increased student achievement and continuous school improvement; and
 - (3). Every school will monitor and adjust the plan of action as necessary to promote increased student achievement and continuous school improvement.

(f)(1) All public schools will have a plan of parental involvement.

(2)(A) Every school will have a plan for allowing parents to be involved in the education of their children.

(B) These plans will address communication with parents, volunteering, learning activities that support classroom instruction, participation in school decisions, and collaboration with the community.

(3) Every school will involve parents in developing school goals and priorities and evaluating the effectiveness of the school-level improvement plan.

(g)(1) All public schools will be accountable to the public they serve.

(2) All schools will participate in the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

(3) All schools will report to the parents the results of all assessments conducted to measure the achievement progress of their children.

(4)(A) The highest performing schools will be recognized and rewarded.

(B) Schools reaching predetermined high levels of achievement will be granted charter status with approval of the charter petition by the Division of Elementary and Secondary Education.

(5) Each school will issue a school achievement report to the community on all statewide student assessments.

(h)(1) All public schools will be led by qualified administrators.

(2) All administrators will demonstrate content knowledge in leadership, finance, organization, school climate, curriculum, and evaluation.

(3) In order for administrators to be able to renew a license, they must have participated in a continuing education and professional development program based on their school-level improvement plans, performance evaluation results, and student achievement scores.

History. Acts 1991, No. 236, § 1; 1995, No. 1296, § 17; 1997, No. 1108, § 5; 2017, No. 936, §§ 15-19; 2019, No. 757, § 12; 2019, No. 910, § 1214.

Amendments. The 2019 amendment by No. 757 substituted “plan” for “program” in (f)(1).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (g)(4)(B).

6-15-1006. Assistance and support.

(a)(1) The Division of Elementary and Secondary Education will be structured to provide leadership, service, and support to public schools.

(2) Division professional staff will demonstrate mastery of knowledge in learning theory, best educational practices, resource utilization, research and data analysis, school law, instructional leadership, and school administration.

(b)(1) Division staff will conduct, sponsor, participate in, and support continuing education and professional development.

(2) The continuing education and professional development will be based on overall organizational improvement, performance evaluation results, statewide student achievement results, and current educational research and practice.

(c)(1) The division will provide leadership in marshalling support for a quality and equitable educational system in the state.

(2) Division resources will be committed to supporting policy development and procedures that enable the Governor, the General Assembly, the State Board of Education, and business and professional organizations to work together in a positive and consistent manner to improve education in Arkansas.

History. Acts 1991, No. 236, § 1; 1993, No. 405, § 2; 1997, No. 1108, § 6; 2019, No. 910, § 1215.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" throughout the section.

6-15-1007. Arkansas Leadership Academy.

(a) There is established the Arkansas Leadership Academy.

(b)(1) The academy shall provide a variety of training programs and opportunities to develop the knowledge base and leadership skills of school principals, teachers, superintendents, other administrators, and school district board members.

(2) The academy may enter into a private-public partnership or a public-public partnership if the partnership will enhance the leadership skills of school principals, teachers, superintendents, other school administrators, school district board members, students, or other stakeholders.

(c) The State Board of Education shall have the authority to issue requests for qualifications and to use other appropriate procurement methods if the state board determines that the operator or the location of the academy should be changed.

History. Acts 1991, No. 236, § 1; 1997, No. 1108, § 7; 2015, No. 298, § 1; 2021, No. 544, § 12.

Amendments. The 2021 amendment, in (c), substituted "qualifications and to use other appropriate procurement meth-

ods" for "proposals" and "determines that the operator or the location of the academy should be changed" for "should determine to change the operator or the location of the academy".

6-15-1011. Rules.

The State Board of Education shall promulgate rules necessary for the implementation of this subchapter.

History. Acts 1997, No. 1108, § 11; 2019, No. 315, § 211.

Amendments. The 2019 amendment deleted "and regulations" following

"Rules" in the section heading; and deleted "and regulations" following "rules" in the section text.

SUBCHAPTER 11 — ATTACHING SEALS TO HIGH SCHOOL TRANSCRIPTS AND DIPLOMAS

SECTION.

6-15-1101. Legislative findings.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-1101. Legislative findings.

(a) The General Assembly hereby recognizes and acknowledges that in recent years a high school diploma has lost credibility as a warranty that the recipient has the basic knowledge and skills necessary for either an entry-level job or for postsecondary education. The General Assembly further recognizes that the State Board of Education, the Division of Elementary and Secondary Education, and local school districts have worked diligently to establish and implement a core curriculum in Arkansas secondary schools. Students who complete the core curriculum with a satisfactory grade point average should receive recognition for both perseverance and a job well done. It is the purpose of this legislation to both further that recognition and to increase the confidence of Arkansans in the value of diplomas awarded by the state's public schools.

(b)(1) A school district shall attach a seal, stamp, or other symbol to diplomas awarded to high school students who have completed the core curriculum with a minimum grade point average of 2.75 on a 4.0 scale.

(2) Electronic transcripts shall include a designation for students who have completed the core curriculum with a minimum grade point average of 2.75 on a 4.0 scale.

(c) The state board is authorized to promulgate rules for the implementation of this section.

History. Acts 1993, No. 688, §§ 1, 2; 1995, No. 1296, § 18; 1997, No. 977, § 1; 2013, No. 330, § 1; 2019, No. 315, § 212; 2019, No. 910, § 1216.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (c).

The 2019 amendment by No. 910 substituted "Division of Elementary and Sec-

ondary Education” for “Department of Education” in (a).

SUBCHAPTER 13 — SAFE SCHOOLS COMMITTEE

SECTION.

6-15-1301. Creation — Composition — Powers and duties.

6-15-1302. Emergency operation plans and emergency communication with law enforcement requirements.

SECTION.

6-15-1303. Safe Schools Initiative Act.

6-15-1305. Advisory Board of the Arkansas Center for School Safety of the Criminal Justice Institute.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-1301. Creation — Composition — Powers and duties.

(a) The Division of Elementary and Secondary Education shall create a Safe Schools Committee.

(b)(1) The Safe Schools Committee shall be composed of the following individuals:

(A) One (1) classroom teacher appointed by the Arkansas Education Association;

(B) Two (2) school administrators appointed by the Arkansas Association of Educational Administrators;

(C) Two (2) school district board members appointed by the Arkansas School Boards Association;

(D) A staff member of the division appointed by the Commissioner of Elementary and Secondary Education;

(E) A school safety specialist, employed by an Arkansas school district, appointed by the commissioner;

(F) One (1) school counselor appointed by the Arkansas Counseling Association;

(G) The Director of the Criminal Justice Institute and of the Arkansas Center for School Safety, or his or her designee;

(H) One (1) classroom teacher appointed by the Arkansas State Teachers Association;

(I) The Director of the Division of Emergency Management, or his or her designee;

(J) The Executive Director of the Arkansas Public School Resource Center, Inc., or his or her designee;

(K) A chief of police or a sheriff appointed by the commissioner;

(L) The Executive Director of the Arkansas Rural Ed Association, or his or her designee;

(M) The State Fire Marshal, or his or her designee;

(N) One (1) school psychologist appointed by the Arkansas School Psychology Association; and

(O) One (1) director of an Arkansas education service cooperative appointed by the commissioner.

(2) The Chair of the House Committee on Education and the Chair of the Senate Committee on Education or their designees shall serve as ex officio members of the Safe Schools Committee.

(c) The Safe Schools Committee is charged with the following responsibilities:

(1)(A) To develop model policies and procedures that may ensure a safe and productive learning environment for students and school employees for recommendation to school districts. The procedures shall focus on ensuring the security of students and school employees and shall include techniques for prevention, intervention, and conflict resolution.

(B)(i) The model policies and procedures shall include emergency plans for terrorist attacks, specifically including contingency plans for:

(a) Attacks using:

(1) Biological agents; and

(2) Nerve gas or similar chemical agents; and

(b) War.

(ii) To the extent practicable, the model plans should include practice drills;

(2) To recommend to the State Board of Education any necessary rules for ensuring a safe school environment; and

(3) To recommend to the House Committee on Education and the Senate Committee on Education any necessary legislation for ensuring a safe school environment.

History. Acts 1997, No. 1346, §§ 1-3; 2003, No. 648, § 1; 2019, No. 315, § 213; 2019, No. 809, § 1; 2019, No. 910 §§ 1217, 1218.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (c)(2).

The 2019 amendment by No. 809 substituted “shall” for “is directed to” in (a); substituted “One (1) classroom teacher” for “Two (2) classroom teachers” in (b)(1)(A); substituted “The Director of the

Criminal Justice Institute and of the Arkansas Center for School Safety, or his or her designee” for “One (1) additional person knowledgeable in the field of school safety appointed by the commissioner” in (b)(1)(G); and added (b)(1)(H) through (b)(1)(O).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); and, in (b)(1)(D), substituted “division” for “department” and

“Commissioner of Elementary and Secondary Education” for “Commissioner of Education”.

6-15-1302. Emergency operation plans and emergency communication with law enforcement requirements.

(a) On or before October 1, 2021, a public school shall have a panic button alert system or other means of emergency communication with law enforcement if funding is available.

(b) The panic button alert system shall:

(1) Connect the caller with 911 while simultaneously notifying designated on-site personnel;

(2)(A) Directly integrate into the existing statewide Smart911 system.

(B) The Smart911 system shall provide a way for a public school to geo-fence the school campus and provide and manage floor plans and other documents to assist emergency responders when they automatically display during a 911 call;

(3) Be available for use as a smartphone application and have a mechanism for panic notifications to be triggered by non-smartphone wireless callers and landline callers; and

(4) Be limited to users designated, approved, and confirmed by school administrators.

History. Acts 2003, No. 648, § 2; 2015, No. 950, § 1; 2021, No. 620, § 1; 2021, No. 648, § 1.

Amendments. The 2021 amendment by identical acts Nos. 620 and 648 rewrote

the section heading; and, in (a), substituted “October 1, 2021” for “September 1, 2015” and inserted “or other means of emergency communication with law enforcement”.

6-15-1303. Safe Schools Initiative Act.

(a)(1) A public school district or open-enrollment charter school shall conduct a comprehensive school safety audit every three (3) years to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials.

(2)(A) A comprehensive school safety audit shall be conducted by more than one (1) individual, including at least one (1) individual who is not assigned to the facility being audited, if the audit is conducted by district personnel.

(B) A comprehensive school safety audit shall include without limitation an audit of the following:

(i) Safety and security of the site and exterior of buildings;

(ii) Access control;

(iii) Safety and security of the interior of buildings;

(iv) Monitoring and surveillance, including without limitation type and extent;

(v) Communication and information security;

(vi) Review of emergency operation plans; and

(vii) School climate and culture.

(3) The initial comprehensive school safety audit shall be conducted by August 1, 2024.

(4) The Division of Elementary and Secondary Education shall promulgate rules specifying how the completion of the audit and confirmation of collaboration with local law enforcement and emergency management officials shall be verified.

(b)(1) A public school district or open-enrollment charter school shall conduct an annual lockdown drill for a possible threat on campus at each school in the public school district or open-enrollment charter school.

(2) As part of the public school district or open-enrollment charter school's planning for lockdown drills, the public school district or open-enrollment charter school shall:

(A) Assess the plan and ability of the public school district or open-enrollment charter school to prevent and respond to a threat on campus;

(B) Identify the roles and responsibilities of each individual when an emergency occurs;

(C) Discuss the logistics of responding to an emergency on the school campus;

(D) Identify areas in which the emergency operation plan of the school may require modification, if necessary; and

(E) Collaborate with local law enforcement and emergency management officials.

(3) The Division of Elementary and Secondary Education shall promulgate rules describing how the completion of the drills and confirmation of collaboration with local law enforcement and emergency management officials shall be verified.

(c)(1) On or before October 1, 2021, a public school shall provide current floor plans and pertinent emergency contact information to appropriate first responders.

(2) Public school administration shall provide updated information annually and when substantial building modifications or changes are made.

(3) Information provided under this subsection is not a public record and is not available for public inspection.

(4) The Division of Elementary and Secondary Education shall promulgate rules describing how public school compliance with subdivisions (c)(1) and (2) of this section will be verified.

(d)(1) Subject to continued appropriation and funding for this purpose, the Arkansas Center for School Safety of the Criminal Justice Institute shall assist the Division of Elementary and Secondary Education in building the capacity of educators, leaders, and law enforcement professionals to meet the safety needs of children in public schools in this state.

(2) The Arkansas Center for School Safety of the Criminal Justice Institute shall promote and support school safety statewide and shall

provide school safety training, education, and resources for school, district, and law enforcement personnel.

(3)(A) The Arkansas Center for School Safety of the Criminal Justice Institute shall be the state school safety clearinghouse and shall collaborate with the following entities to provide a comprehensive, efficient, and effective resource for education and law enforcement personnel to obtain training and technical assistance to meet the school safety needs of students in this state:

- (i) The Division of Elementary and Secondary Education;
- (ii) The Safe Schools Committee established under this subchapter;
- (iii) The Arkansas Association of Educational Administrators;
- (iv) The Arkansas School Boards Association;
- (v) Education service cooperatives;
- (vi) The Division of Emergency Management;
- (vii) The Arkansas Public School Resource Center, Inc.; and
- (viii) Other key stakeholders.

(B) The Division of Elementary and Secondary Education shall collaborate actively with the Arkansas Center for School Safety of the Criminal Justice Institute and shall promote the training and resources provided by the Arkansas Center for School Safety of the Criminal Justice Institute to public school district or open-enrollment charter school staff.

(C) The training provided by the Arkansas Center for School Safety of the Criminal Justice Institute may include without limitation the training and education needed to assist a public school or private school in:

- (i) Developing prevention strategies and enhancing existing emergency response plans for campus security and safety issues;
- (ii) Addressing public safety and legal topics such as drugs and alcohol abuse, sexual assault, dating violence, bullying and cyberbullying, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;
- (iii) Conducting school safety audits;
- (iv) Cooperating effectively with law enforcement officers, school resource officers, and other school safety personnel, in the school setting; and
- (v) Other relevant school safety topics, initiatives, and programs.

(4) Annual training and emergency response drills may be conducted during the instructional day or during noninstructional time periods as determined by the school district.

(e) Subject to an appropriation and funding for this purpose, each public school, in collaboration with the school district, may install communications equipment that is interoperable with the Arkansas Wireless Information Network system.

History. Acts 2013, No. 484, § 3; 2015, No. 950, § 1; 2021, No. 620, § 2; 2021, No. 648, § 2.

Amendments. The 2021 amendment by identical acts Nos. 620 and 648 rewrote the section.

6-15-1305. Advisory Board of the Arkansas Center for School Safety of the Criminal Justice Institute.

(a) There is established the Advisory Board of the Arkansas Center for School Safety of the Criminal Justice Institute.

(b)(1) The board shall include the following members:

(A) The Director of the Criminal Justice Institute;

(B) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;

(C) The Executive Director of the Arkansas School Boards Association or his or her designee;

(D) The Director of the Division of Emergency Management or his or her designee;

(E) The Secretary of the Department of Education or his or her designee;

(F) The Director of the Division of Public School Academic Facilities and Transportation or his or her designee;

(G) The Executive Director of the Arkansas Public School Resource Center, Inc., or his or her designee;

(H) One (1) director of an education service cooperative in this state;

(I) One (1) chief of police;

(J) One (1) county sheriff;

(K) One (1) school resource officer;

(L) One (1) school administrator;

(M) One (1) school teacher;

(N) One (1) school counselor;

(O) One (1) school-focused mental health professional; and

(P) One (1) citizen at-large.

(2)(A) The Governor shall appoint the members of the board for a three-year term unless otherwise specified.

(B) The term of a member of the board who serves by virtue of his or her office shall continue until the member vacates the office.

(C) Terms for initial appointments shall be staggered, to the extent possible, so that an equal number of members shall rotate each year.

History. Acts 2021, No. 620, § 3; 2021, No. 648, § 3.

SUBCHAPTER 14 — SCHOOL PERFORMANCE REPORT ACT

SECTION.

6-15-1402. Purpose — Report — Confidentiality — Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-1402. Purpose — Report — Confidentiality — Rules.

(a)(1) In order to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools, the Division of Elementary and Secondary Education shall prepare and publish annually a school performance report for each public school in the state, including without limitation the Arkansas School for the Deaf, the Arkansas School for the Blind, and the Arkansas School for Mathematics, Sciences, and the Arts, and shall notify the House Committee on Education and the Senate Committee on Education of the availability of the report on the division's website no later than April 15 each year.

(2)(A) The school performance report for each school shall be made available to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas by posting the school performance report for each school on the website of the division by April 15 each year.

(B) Each school district shall post the school performance report for each of its schools on the district's website not later than ten (10) days after it is posted on the division's website.

(b)(1)(A) The school performance report shall be based on reliable statistical information uniformly required to be collected and submitted by each local school district to the division and shall be published in a format that can be easily understood by parents or guardians who are not professional educators.

(B) The information necessary to produce the school performance report, including the names and addresses of parents and guardians, shall be filed with the division.

(C) The division may contract with individuals or businesses knowledgeable in the areas of graphic and computer design to ensure that the school performance reports required by this subchapter are published in a format that encourages their utilization by the citizens of the state.

(2) The school performance report for elementary schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas and shall include without limitation the following measures:

- (i) School safety;
- (ii) Statewide student assessment results beginning with grade three (3);
- (iii) Licensed staff qualifications;
- (iv) Total per-pupil spending;
- (v) Assessment of the local taxpayer investment in the school district;
- (vi) Percentage of students eligible to receive free or reduced-price meals;
- (vii) Average salary of the staff; and
- (viii) Average attendance rates for students; and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training; and

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702.

(3) The school performance report for middle schools, junior high schools, and high schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas which shall include, but not be limited to, the following:

- (i) School safety;
- (ii) Statewide student assessment results;
- (iii) Licensed staff qualifications;
- (iv) Per-pupil spending;
- (v) Assessment of the local taxpayer investment in the school district;
- (vi) Percentage of students eligible to receive free or reduced-price meals;
- (vii) Average salary of the staff;
- (viii) Average attendance rates for students;
- (ix) Drop-out rate;
- (x) Graduation or completion rates;
- (xi) College remediation rate for high schools only; and
- (xii) Collegiate admission test results, including the total number of students in grades nine through eleven (9-11) who took the ACT or SAT; and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training;

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702; and

(iv) The school district provides college preparation and remediation for students who have taken the ACT before their senior year of high school under the Universal ACT Assessment Program Act, § 6-18-1601 et seq.

(4) Beginning with the 2017-2018 school year, for the school year covered by a school performance report, the report shall include:

(A) The total number of teachers who are employed in the public school; and

(B) Of that total, the number who meet each of the following criteria:

(i) Identified as proficient or above under the Teacher Excellence and Support System for the school; and

(ii) Certified by the National Board for Professional Teaching Standards.

(c) School districts may prepare and distribute supplemental materials concerning the information contained in the school performance reports.

(d) The division is encouraged to:

(1) Include explanatory material regarding efforts to improve the state's public schools on the website of the division with school performance reports; and

(2) Explore the feasibility of incorporating the school-level improvement plans developed by schools and school district support plans developed by school districts with the school performance reports.

(e) The school performance report shall not include individual student information if the information is reported in a manner that would identify a particular student except as permitted under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as in effect on January 1, 2017.

(f)(1) The division shall not disclose parent or guardian names, addresses, or other identifying information under any circumstances.

(2) Any vendor, contractor, or supplier utilized to provide services under this subchapter shall sign a confidentiality agreement prohibiting the disclosure of parent or guardian names, addresses, or other identifying information.

(g) The Arkansas School for the Blind and the Arkansas School for the Deaf shall submit to the division:

(1) The results of the appropriately adopted student achievement tests for the students enrolled at these schools; and

(2) A list of other schools' programs to which these schools can be compared.

(h) The division may promulgate rules necessary to carry out the purposes of this subchapter.

History. Acts 1999, No. 769, § 2; 2001, No. 775, § 8; 2003, No. 603, §§ 3, 4; 2003, No. 1473, § 5; 2007, No. 1573, §§ 12, 13; 2011, No. 988, § 1; 2011, No. 989, § 17; 2011, No. 1000, § 1; 2011, No. 1209, § 3; 2013, No. 1073, §§ 15, 16; 2013, No. 1462, § 6; 2017, No. 745, § 16; 2017, No. 936, §§ 20-27; 2019, No. 757, §§ 13, 14; 2019, No. 910, §§ 1219-1225.

Amendments. The 2019 amendment by No. 757, in (a)(1), substituted “prepare and publish annually” for “annually prepare and publish”, deleted “individual” following “each”, inserted “without limitation”, substituted “notify” for “distribute the report to”, and inserted “of the avail-

ability of the report on the department website”; redesignated (a)(2) as (a)(2)(A); substituted “by April 15 each year” for “and the website of the school district in which the public schools addressed in the school performance report are located no later than April 15 each year” in (a)(2)(A); added (a)(2)(B); added “beginning with grade three (3)” to (b)(2)(A)(ii); and made a stylistic change.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1); and substituted “division” for “department” in (a)(2), (b)(1)(A), (b)(1)(C), (d) twice, (f)(1), and (h).

SUBCHAPTER 15 — COMPREHENSIVE PLAN FOR CONSISTENCY AND RIGOR IN COURSE WORK

SECTION.

6-15-1504. Review.

6-15-1505. School district implementation.

SECTION.

6-15-1506. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-1504. Review.

(a) The Division of Elementary and Secondary Education shall review the Arkansas Academic Content Standards and Curriculum Framework process plan on its State Board of Education-approved revision cycle and report to the State Board of Education annually.

(b)(1) The state board shall align state programs and support materials with the revised academic content standards and curriculum frameworks for each core academic area.

(2) Alignment shall include revision of textbook criteria, support materials, state tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards and curriculum frameworks.

(c) The state board shall revise and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards and curriculum frameworks as set forth in the plan each time the plan is revised under subsection (a) of this section.

(d) The state board shall develop a plan to ensure regular collaboration with the Arkansas Higher Education Coordinating Board and the Executive Council to encourage teacher and school administrator degree programs and ongoing professional development and to ensure that other university activity in the state's public schools aligns with the state board's priorities.

History. Acts 2003, No. 1761, § 2; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a).

Amendments. The 2019 amendment

6-15-1505. School district implementation.

(a) Each local school district shall establish procedures and monitoring processes to ensure that the content of each course offered by the school district is consistent with content standards and curriculum frameworks approved by the State Board of Education.

(b) The superintendent of each school district shall provide to the Division of Elementary and Secondary Education a written statement of assurance that the content of each class and subject area, as required by the Standards for Accreditation of Arkansas Public Schools and School Districts, is aligned to content standards and curriculum frameworks approved by the state board.

(c) The division shall monitor, during the standards review visit, documentation of procedures and monitoring processes as required under subsection (a) of this section.

(d) If the division determines that a school district has failed to align the content of each class and subject area as required by the state board to content standards and curriculum frameworks approved by the state board, the division shall take enforcement actions as outlined in the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2003, No. 1761, § 2; 2019, No. 910, § 1227; 2021, No. 251, § 1.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b); and substituted "division" for "department" in (c) and twice in the introductory language of (d).

The 2021 amendment substituted "approved by the State Board" for "developed by the State Board" in (a), (b), and (d); deleted "Beginning with the 2003-2004 school year" in (a); in (b), deleted "by October 1 of each year following the adoption of the plan under subsection (a) of this section" preceding "a written state-

ment", deleted "regardless of levels" preceding "is aligned", and deleted "in the plan" at the end; substituted "of procedures and monitoring processes as required under subsection (a) of this sec-

tion" for "related to the plan" in (c); added "take enforcement actions as outlined in the Standards for Accreditation of Arkansas Public Schools and School Districts" in (d); and deleted (d)(1) and (2).

6-15-1506. Rules.

The State Board of Education shall promulgate appropriate rules necessary to carry out this subchapter.

History. Acts 2003, No. 1761, § 2; 2019, No. 315, § 214.

Amendments. The 2019 amendment deleted "and regulations" following

"Rules" in the section heading; and, in the text, deleted "Before December 31, 2003" at the beginning and deleted "and regulations" following "rules".

SUBCHAPTER 16 — COMMISSION ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS

SECTION.

6-15-1601. Establishment of Commission on Closing the Achievement Gap in Arkansas — Members.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-1601. Establishment of Commission on Closing the Achievement Gap in Arkansas — Members.

(a) There is established a commission to be known as the "Commission on Closing the Achievement Gap in Arkansas".

(b) The commission shall consist of eleven (11) members representing the racial and ethnic diversity of Arkansas as follows:

(1)(A) Five (5) persons appointed by the Governor.

(B)(i) One (1) of the Governor's appointees shall be a representative of business and industry in Arkansas, a representative of health and human services, or a public school teacher.

(ii)(a) Four (4) of the Governor's appointees shall be minority or low-income parents concerned about the achievement gap with one (1) representative from each of the four (4) congressional districts.

(b) A minimum of two (2) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be African-American.

(c) A minimum of one (1) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be Hispanic;

(2)(A) Three (3) persons appointed by the President Pro Tempore of the Senate.

(B)(i) One (1) of the President Pro Tempore of the Senate's appointees shall be a member of the school of education faculty of an historically black college in the state with an accredited school of education.

(ii) One (1) of the President Pro Tempore of the Senate's appointees shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the President Pro Tempore of the Senate's appointees shall be a public school teacher with a special expertise in closing the achievement gap; and

(3)(A) Three (3) persons appointed by the Speaker of the House of Representatives.

(B)(i) One (1) of the appointees of the Speaker of the House of Representatives shall be a person who has experience working with children from low income families.

(ii) One (1) of the appointees of the Speaker of the House of Representatives shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the appointees of the Speaker of the House of Representatives shall be a public school administrator with a special expertise in closing the achievement gap.

(c)(1) Upon taking office, the initial members shall draw lots to determine the length of their terms.

(2) The term of office shall be for no more than four (4) years.

(3) Appointments shall be for a term of four (4) years.

(d)(1) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.

(2) The new appointee shall serve for the remainder of the unexpired term.

(e)(1) The Governor shall designate one (1) of his or her appointees to serve as chair for the first year.

(2) Thereafter, the commission members shall annually elect a chair from among themselves.

(f)(1) The commission shall meet at times and places the chair deems necessary but no fewer than four (4) times per calendar year.

(2)(A) Commission members shall attend all meetings with no more than two (2) unexcused absences in a period of eighteen (18) months.

(B) Commission members with more than two (2) unexcused absences in a period of eighteen (18) months shall be automatically

removed from the commission, and the original nominating entity for the position shall be notified to fill the vacancy.

(3) No meetings shall be held outside the State of Arkansas.

(4) A majority of the members of the commission shall constitute a quorum for the purpose of transacting business.

(5) All actions of the commission shall be by a majority vote of the full membership of the commission.

(6) A minimum of one (1) meeting shall be held in each of the four (4) congressional districts every thirty-six (36) months.

(g) The commission shall:

(1) Develop a plan for the state designed to enable all public school students to meet the state's student academic achievement standards while working toward the goal of narrowing the achievement gaps in public schools for the following subgroups:

(A) Economically disadvantaged students; and

(B) Students from major racial and ethnic groups;

(2) Monitor the Division of Elementary and Secondary Education's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically including without limitation the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;

(3)(A) Monitor the division's identification of population groups to be motivated in closing the achievement gap efforts.

(B) The commission may expand the role and scope of the commission to cover specific population groups as identified by the division as target groups for closing the achievement gaps;

(4) Receive national school lunch data and reports biennially from the division;

(5) Interface with local school district achievement gap task forces created under § 6-15-1603 to provide data on the achievement gap and achievement gap intervention strategies;

(6) Present a report to the House Committee on Education, the Senate Committee on Education, the Governor, and the State Board of Education no later than November 1 of each year, which shall include without limitation:

(A) Profiles of underachieving students;

(B) Profiles of schools identified as in need of comprehensive support and improvement, additional targeted support, or targeted support and improvement under the Elementary and Secondary Education Act, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;

(C) A review of policies and programs approved by the division for national school lunch expenditures on closing the achievement gap;

(D) Child poverty statistics in the state and the impact poverty has on education;

(E) Successful strategies with students of poverty;

(F) Best practices for teacher preparation for student and language diversity;

(G) A review of leadership challenges in closing the achievement gap; and

(H) Suggested policy changes to improve the achievement gap at the legislative, division, school district, and other levels; and

(7) Create a website that contains without limitation:

(A) Notices of upcoming meetings;

(B) The state plan for closing the achievement gap;

(C) A school district plan for closing the achievement gap from each school district;

(D) The membership and contact information for members of the commission and each local school district achievement gap task force;

(E) The minutes from commission meetings;

(F) A clearinghouse for research and other information the commission identifies as important or useful for understanding the achievement gap in the state; and

(G) Other information that the commission deems appropriate.

(h) At the discretion of the Commissioner of Elementary and Secondary Education, the state shall provide resources necessary for the following:

(1) Relevant training for commission members in research-based strategies to close the achievement gap;

(2) Relevant technical experts to assist in drafting and monitoring the division's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically including without limitation the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;

(3) Travel reimbursements for meetings;

(4) Space and resources to conduct public forums; and

(5) Printing and copying costs.

(i) The commission may study and address topics, including, but not limited to:

(1) Understanding children of poverty;

(2) Successful strategies with students of poverty;

(3) Teacher preparation for student diversity;

(4) Response to language diversity;

(5) Methods of closing the achievement gap;

(6) Success stories;

(7) Obstacles to overcome in closing the achievement gap;

(8) Alternative intervention strategies for closing the achievement gap;

(9) Leadership challenges in closing the achievement gap;

(10) The role of parents, families, and caregivers in closing the achievement gap;

(11) Parental and community diversity;

(12) The relationship of school to environment and student;

(13) The role of school and class size in achievement;

(14) Conditional barriers to student access to additional learning opportunities; and

(15) The profile of underachieving students.

(j) The commission may fund a study on research-based and proven strategies that close achievement gaps among racial, ethnic, and high-poverty groups.

(k)(1) The division shall provide meeting space and clerical support as needed by the commission.

(2)(A) Members of the commission shall serve without pay.

(B) Members of the commission may receive expense reimbursement in accordance with § 25-16-902, to be paid with funds allocated by the state for that purpose.

(l) The commission may accept gifts, grants, and donations for use in carrying out the purpose and duties of the commission.

History. Acts 2003, No. 1777, § 1; 2003 (2nd Ex. Sess.), No. 33, § 1; 2007, No. 1002, § 1; 2009, No. 1314, §§ 1-3; 2017, No. 745, §§ 17, 18; 2019, No. 631, § 1; 2019, No. 910, §§ 1228-1232.

Amendments. The 2019 amendment by No. 631, in (g)(6)(B), deleted “chronically under-performing” preceding “schools”, and substituted “identified as in need of comprehensive support and improvement, additional targeted support, or targeted support and improvement under the Elementary and Secondary Edu-

cation Act, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95” for “and school districts”.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education’s” for “Department of Education’s” in (g)(2); substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in the introductory language of (h); and substituted “division” for “department” throughout (g) and in (k)(1).

SUBCHAPTER 17 — PARENT AND FAMILY ENGAGEMENT PLAN

SECTION.

6-15-1701. Findings.

6-15-1702. Parent and family engagement plan.

6-15-1703. Professional development.

6-15-1704. Annual review of parent and family engagement plans
— Monitoring.

SECTION.

6-15-1705. Incorporation of parent and family engagement into teacher education programs.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-1701. Findings.

The General Assembly recognizes that:

(1) A child's education is a responsibility shared by the school and family during the entire time the child spends in school;

(2) To support the goal of the schools to educate all students effectively, the schools and parents must work as knowledgeable partners;

(3) Although parents are diverse in culture, language, and needs, they are an integral component of a school's ability to provide for the educational success of their children;

(4) Engaging parents is essential to improve student achievement; and

(5) Schools should foster and support active parent and family engagement.

History. Acts 2003, No. 603, § 1; 2021, substituted "parent and family engagement" for "parental involvement" in (5).
No. 544, § 13.

Amendments. The 2021 amendment

6-15-1702. Parent and family engagement plan.

(a) Each public school district and each public school within its boundaries, in collaboration with parents, shall establish a parental involvement plan, including programs and practices that enhance parent and family engagement and reflect the specific needs of students and their families.

(b) The parent and family engagement plan in each school shall:

(1) Involve parents of students at all grade levels in a variety of roles;

(2) Be comprehensive and coordinated in nature;

(3)(A) Recognize that communication between home and school should be consistent, open, and meaningful.

(B) To encourage communication with parents, the school shall:

(i) Prepare an informational packet to be distributed annually to the parent of each child in the school, appropriate for the age and grade of the child, describing:

(a) The school's parent and family engagement plan;

(b) The recommended role of the parent, family, student, teacher, and school;

(c) Ways for the parent and family to become involved in the school and the student's education;

(d) A survey for the parent regarding his or her interests concerning volunteering at the school;

(e) Activities planned throughout the school year to encourage parent and family engagement; and

(f) A system to allow the parent to communicate in a consistent, open, and meaningful manner with the child's teacher and the school principal; and

(ii) Schedule no fewer than two (2) parent-teacher conferences per school year.

(C) The school may plan and engage in other activities determined by the school to be beneficial to encourage communication with parents;

(4)(A) Promote and support responsible parenting.

(B) To promote and support responsible parenting, the school shall, as funds are available:

(i) Purchase parenting books, magazines, and other informative material regarding responsible parenting through the school library, advertise the current selection, and give parents an opportunity to borrow the materials for review;

(ii) Create parent centers; and

(iii) Plan and engage in other activities determined by the school to be beneficial to promoting and supporting responsible parenting;

(5)(A) Acknowledge that parents and family play an integral role in assisting student learning.

(B) To help parents in assisting students, the school shall:

(i) Schedule regular parent involvement meetings at which parents are given a report on the state of the school and an overview of:

(a) What students will be learning;

(b) How students will be assessed;

(c) What a parent should expect for his or her child's education; and

(d) How parents and family can assist and make a difference in the student's education;

(ii) Provide instruction to a parent on how to incorporate developmentally appropriate learning activities in the home environment, including without limitation:

(a) Role play and demonstration by trained volunteers;

(b) The use of and access to Division of Elementary and Secondary Education website tools for parents;

(c) Assistance with nutritional meal planning and preparation; and

(d) Other strategies or curricula developed or acquired by the school district for at-home parental instruction approved by the division; and

(iii) Engage in other activities determined by the school to help parents and family assist in the student's learning;

(6)(A) Welcome parents into the school and seek parental support and assistance.

(B) To welcome parents into the school, the school shall:

(i) Not have any school policies or procedures that would discourage a parent from visiting the school or from visiting a child's classrooms;

(ii) Encourage school staff to use the volunteer surveys to compile a volunteer resource book listing the interests and availability of volunteers so that school staff may:

(a) Determine how frequently a volunteer would like to participate, including the option of just one (1) time per year;

- (b) Include options for those who are available to help at home; and
- (c) Help match school needs with volunteer interests; and
- (iii) Engage in other activities determined by the school to welcome parents into the school;

(7)(A) Recognize that a parent is a full partner in the decisions that affect his or her child and family.

(B) To encourage a parent to participate as a full partner in the decisions that affect his or her child and family, the school shall:

(i) Include in the school's policy handbook the school's process for resolving parental concerns, including how to define a problem, whom to approach first, and how to develop solutions;

(ii) Sponsor seminars to inform the parents of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities; and

(iii) Engage in other activities that the school determines will encourage a parent to participate as a full partner in the decisions that affect his or her child and family;

(8)(A) Recognize that community resources strengthen school programs, family practices, and student learning.

(B) To take advantage of community resources, the school shall:

(i) Consider recruiting alumni from the school to create an alumni advisory commission to provide advice and guidance for school improvement;

(ii)(a) Enable the formation of a parent-teacher association or organization that will foster parental and community involvement within the school.

(b) Leaders of this organization shall be utilized in appropriate decisions affecting the children and families; and

(iii) Engage in other activities that the school determines will use community resources to strengthen school programs, family practices, and student learning; and

(9) Support the development, implementation, and regular evaluation of the program to involve parents in the decisions and practices of the school district, using, to the degree possible, the components listed in this section.

(c)(1) The principal of each school in a school district shall designate one (1) licensed staff member who is willing to serve as a parent facilitator to:

(A) Help organize meaningful training for staff and parents;

(B) Promote and encourage a welcoming atmosphere to foster parent and family engagement in the school; and

(C) Undertake efforts to ensure that parental participation is recognized as an asset to the school.

(2) The licensed staff member serving as a parental facilitator shall receive supplemental pay for the assigned duties as required by law.

History. Acts 2003, No. 603, § 1; 2007, No. 307, § 1; 2009, No. 397, § 1; 2009, No. 1469, § 5; 2013, No. 1138, § 20; 2019, No. 910, §§ 1233, 1234; 2021, No. 544, §§ 14-16.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b)(5)(B)(ii)(b); and substituted “division” for “department” in (b)(5)(B)(ii)(d).

The 2021 amendment substituted “parent and family engagement” for “parental

involvement” in (a); substituted “parent and family engagement plan” for “parental involvement program” in the introductory language of (b); substituted “consistent, open” for “regular, two-way” in (b)(3)(A); rewrote (b)(3)(B)(i); inserted “and family” in the introductory language of (b)(5)(A); substituted “parents and family” for “a parent” and “the student’s” for “his or her child’s” in (b)(5)(B)(i)(d) and (b)(5)(B)(iii); and substituted “parent and family engagement” for “parental involvement” in (c)(1)(B).

6-15-1703. Professional development.

(a) The State Board of Education’s Standards for Accreditation of Arkansas Public Schools and School Districts shall require the following professional development according to the professional development schedule under § 6-17-709:

(1) Two (2) hours of professional development, or professional learning credit as determined by the Division of Elementary and Secondary Education, as part of the professional development required for teachers, designed to enhance understanding of effective family and community engagement strategies; and

(2) Two (2) hours of professional development, or professional learning credit as determined by the division, as part of the professional development required for administrators, designed to enhance understanding of:

(A) Effective family and community engagement strategies; and

(B) The importance of administrative leadership in setting expectations and creating a climate conducive to family and community participation.

(b) A school district shall provide training at least annually for volunteers who assist in an instructional program for families and the community.

History. Acts 2003, No. 603, § 1; 2009, No. 397, § 2; 2011, No. 1002, § 2; 2013, No. 969, § 2; 2019, No. 666, § 1.

Amendments. The 2019 amendment, in (a)(1), inserted “or professional learning credit as determined by the Department of Education”; in the introductory language of (a)(2), inserted “or professional learning credit as determined by the department”; substituted “part of the profes-

sional” for “part of the minimum number of hours of professional” in (a)(1) and the introductory language of (a)(2); substituted “family and community engagement” for “parental involvement” in (a)(1) and (a)(2)(A); substituted “family and community” for “parental” in (a)(2)(B); and substituted “families and the community” for “parents” in (b).

6-15-1704. Annual review of parent and family engagement plans — Monitoring.

(a) Annually by August 1, every school district shall review and update the school district’s parent and family engagement plan and:

(1) File a copy of the parent and family engagement plan with the Division of Elementary and Secondary Education;

(2) Place a copy of the parent and family engagement plan on the school district's website; and

(3)(A) Publish a parent-friendly summary of the parent and family engagement plan as a supplement to the student handbook.

(B) The parent shall sign a form acknowledging receipt of the summary and return the signed form to the school where the student is enrolled.

(b)(1)(A) The division shall:

(i) Review each plan;

(ii) Determine whether the plan is in compliance with provisions of this subchapter; and

(iii) Indicate on the school's performance report under § 6-15-1402 whether or not the school district is in compliance with this subchapter.

(B) Periodically on a rotating schedule, the division shall monitor each school district's plan to:

(i) Evaluate whether the school district is implementing its plan and the implementation's effectiveness; and

(ii) Assess the areas in which a school district needs to revise its plan or its implementation of the plan.

(C) The division shall place priority for monitoring under subdivision (b)(1)(B) of this section on school districts that have been identified as being in:

(i) Level 4 — Directed support; or

(ii) Level 5 — Intensive support.

(2) By January 1 of each year, the division shall provide any recommendations in writing to a school district:

(A) Concerning areas of noncompliance with §§ 6-15-1701 — 6-15-1703; or

(B) As a result of the division's monitoring under subdivision (b)(1)(B) of this section.

(3) The division shall allow the school district an opportunity to implement the division's recommendations.

(4) The State Board of Education shall incorporate the provisions of this subsection into its rules for parent and family engagement plans.

History. Acts 2003, No. 603, § 2; 2011, No. 1002, § 1; 2013, No. 1423, § 1; 2017, No. 936, § 30; 2019, No. 757, § 15; 2019, No. 910, §§ 1235-1240; 2021, No. 544, §§ 17, 18.

Amendments. The 2019 amendment by No. 757 substituted "August 1" for "October 1" in the introductory language of (a).

The 2019 amendment by No. 910 substituted "Division of Elementary and Sec-

ondary Education" for "Department of Education" in (a)(1); and substituted "division" or "division's" for "department" or "department's" throughout the section.

The 2021 amendment substituted "parent and family engagement" for "parental involvement" in the introductory language of (a) and in (b)(4); inserted "parent and family engagement" in (a)(1), (a)(2), and (a)(3)(A); and substituted "Publish" for "Place" in (a)(3)(A).

6-15-1705. Incorporation of parent and family engagement into teacher education programs.

The Division of Elementary and Secondary Education and the Division of Higher Education shall collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding:

- (1) The importance of parent and family engagement;
- (2) Successful strategies for encouraging a parent to be a partner in his or her child's education; and
- (3) The connection between cultural diversity and parent and family engagement.

History. Acts 2003, No. 603, § 5; 2009, No. 397, § 3; 2019, No. 910, § 1241; 2021, No. 544, § 19.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" and "Division of Higher Edu-

cation" for "Department of Higher Education" in the introductory language.

The 2021 amendment substituted "parent and family engagement" for "parental involvement" in the section heading, (1), and (3); and substituted "connection" for "relationship" in (3).

SUBCHAPTER 19 — DELTA STUDENT ACADEMIC SUCCESS PLAN

SECTION.

6-15-1901. Establishment of plan.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-1901. Establishment of plan.

(a) The University of Arkansas at Pine Bluff may establish a Delta Student Academic Success Plan to reduce the disparities in the academic performance of youth in the Arkansas delta.

(b) The plan shall consist of the following components:

(1) A coalition effort between the University of Arkansas at Pine Bluff and various school districts in Arkansas, Chicot, Drew, Jefferson, and Lincoln counties;

(2) A plan to establish a standards-based curriculum to be used in the various school districts in mathematics, reading, and English using

instructional strategies based on students' assessed mastery level and learning styles;

(3) Faculty development in:

(A) Standards-based mathematics, reading, and English;

(B) Use of student assessment data in instructional design; and

(C) Instructional design based on assessed mastery and learning styles;

(4) Development of an Arkansas Teacher Corps to increase the number of new and licensed teachers;

(5) Development of an after-school academic program to reinforce knowledge and skills taught during the regular class day and to help develop knowledge and skills in wellness, art, hobbies, personal growth, decision making, and career awareness and requirements; and

(6) Development of a comprehensive evaluation program in which key assessment measures shall include:

(A) The number of participants;

(B) The participants' mastery of English, mathematics, and reading as measured by the state benchmark examinations;

(C) Stanford Achievement Test Series and National Assessment of Educational Progress measures; and

(D) Admission to and graduation from an accredited college or technical institution.

(c) The Chancellor of the University of Arkansas at Pine Bluff may enter into an agreement with the superintendents of the school districts within Arkansas, Chicot, Drew, Jefferson, and Lincoln counties to implement the plan to the extent that the plan does not conflict with Arkansas law or with the standards set forth by the Division of Elementary and Secondary Education.

(d) If a plan is established, the chancellor shall make a yearly report of the progress of the plan, including the evaluations and measures as described under subdivision (b)(6) of this section to the superintendents of the school districts in Arkansas, Chicot, Drew, Jefferson, and Lincoln counties, the division, the House Committee on Education, the Senate Committee on Education, and the Legislative Council.

History. Acts 2003 (2nd Ex. Sess.), No. 31, § 1; 2013, No. 1138, § 21; 2019, No. 910, § 1242.

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c).

Amendments. The 2019 amendment

SUBCHAPTER 20 — PUBLIC SCHOOL STUDENT PROGRESSION

SECTION.

6-15-2006. Annual report.

6-15-2008. Technical assistance.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-2006. Annual report.

(a)(1)(A) In addition to the requirements in § 6-15-2004(b), each school district board of directors shall annually report to the parent or guardian of each student the progress of the student toward achieving state expectations for proficiency in reading, writing, and mathematics.

(B) The school district board of directors shall report to the parent, guardian, or the student if the student is eighteen (18) years of age or older, the student's results on each statewide assessment test.

(C)(i) At least two (2) times per year, a public school district shall report in writing to the parent or legal guardian and each teacher of a student in kindergarten through grade eight (K-8) the independent reading level at which the student is reading.

(ii) The Division of Elementary and Secondary Education may promulgate rules to implement this section.

(2) The evaluation of each student's progress shall be based upon the student's classroom work, observations, tests, state assessments, and other relevant information.

(3) Progress reporting shall be provided to the parent, guardian, or the student if the student is eighteen (18) years of age or older, in writing in a format adopted by the school district board of directors which is consistent with § 6-15-2101(b).

(b)(1) A school district board of directors shall publish annually the school performance report required by § 6-15-2101 on its website not later than ten (10) days after it is posted on the division's website, with the option of also publishing it in the local newspaper.

(2) The school performance report shall be easily identifiable on the website.

(c) A printed copy of the school performance report under § 6-15-2101 shall be made available upon request.

(d) This section shall apply to the extent that it is not in violation of applicable state or federal law.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 5; 2005, No. 2152, § 2; 2015, No. 1217, § 16; 2017, No. 869, § 3; 2017, No.

936, § 33; 2017, No. 940, § 1; 2019, No. 757, § 16; 2019, No. 910, § 1243.

Amendments. The 2019 amendment

by No. 757, in (b)(1), inserted “not later than ten (10) days after it is posted on the department’s website” and deleted “by October 15 of each year, and the following information on the prior school year or the latest information available” following “newspaper”; and deleted (b)(1)(A) through (b)(1)(E).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1)(C)(ii).

6-15-2008. Technical assistance.

- (a) The Division of Elementary and Secondary Education shall provide technical assistance as needed to aid school districts in administering this subchapter.
- (b)(1) At least semiannually, the division shall provide a report to the House Committee on Education and the Senate Committee on Education setting forth the school districts requesting assistance, the date of the requests, and the dates and actions taken.
- (2) The division shall further report the results of the action taken or assistance provided.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 5; 2019, No. 910, § 1244.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); and substituted “division” for “department” in (b)(1) and (b)(2).

SUBCHAPTER 21 — SCHOOL RATING SYSTEM

SECTION.	SECTION.
6-15-2101. School rating system — Annual reports.	performance category level measurement — Publication.
6-15-2104. Mobility.	6-15-2107. Arkansas School Recognition Program.
6-15-2105. School rating system — School ratings and perfor-	6-15-2108. School rating system.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-2101. School rating system — Annual reports.

(a)(1) The Division of Elementary and Secondary Education shall prepare annual reports of the results of the statewide assessment program that describe student achievement in each school district and

each school in the state and the school performance category levels under § 6-15-2103.

(2) The division shall prescribe the design and content of these reports that shall include without limitation descriptions of achievement of all schools participating in any assessment program and all of their major student populations as determined by the division, provided that the provisions of § 6-15-2909 pertaining to student records apply to this section.

(3)(A) Annual school performance reports shall be:

(i) Made available in hard copy to all parents or guardians upon request;

(ii) Posted on the division's website; and

(iii) Posted on the local school district's website.

(B) The public school district also may publish the school performance report in the local newspaper.

(b)(1) The division shall provide information regarding performance of students and educational programs as required under §§ 6-15-2907 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule.

(2) Annual school performance reports shall be in an easy-to-read format.

(c) The annual report shall separately list the following measures by school:

(1) Student performance on statewide student assessments as required by law or rule of the state board;

(2) Student academic growth based on statewide student assessments as required by law or rule of the state board;

(3) For a secondary school, the school's graduation rate; and

(4) Any other criteria required by law or by rule of the state board.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2005, No. 1962, § 10; 2007, No. 1573, § 16; 2013, No. 1073, § 17; 2013, No. 1429, § 50; 2017, No. 744, § 2; 2017, No. 936, §§ 35-38; 2019, No. 910, §§ 1245, 1246; 2021, No. 544, § 20.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" twice in (a)(2) and in (b)(1).

The 2021 amendment rewrote and redesignated former (a)(3) as (a)(3)(A); and added (a)(3)(B).

6-15-2104. Mobility.

The Division of Elementary and Secondary Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2019, No. 910, § 1247.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education".

6-15-2105. School rating system — School ratings and performance category level measurement — Publication.

(a) School performance category level ratings shall apply to each school's achievement for the year in which the achievement is measured.

(b)(1) Each school's rating shall be published annually by the Division of Elementary and Secondary Education and by the school district and shall be available on the division's website.

(2) Each parent and guardian is entitled to an easy-to-read written report describing the rating of the school in which his or her child is enrolled.

(3) The report required under this section shall identify the school's rating on the report as "A", "B", "C", "D", or "F".

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2013, No. 696, § 1; 2013, No. 1429, § 8; 2019, No. 910, §§ 1248, 1249; 2021, No. 544, § 21.

A.C.R.C. Notes. Acts 2021, No. 89, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Coronavirus 2019 (COVID-19) has spread throughout the world, resulting in a global pandemic;

"(2) The spread of coronavirus 2019 (COVID-19) has resulted in the disruption of the education of students attending kindergarten through grade 12 (K-12) in this state during the 2019-2020 and 2020-2021 school years;

"(3) Due to impossibility, public schools did not receive a rating under the public school rating system pursuant to § 6-15-2105 for the 2019-2020 school year because statewide student assessments were not conducted during the 2019-2020 school year due to the disruption of edu-

cation caused by the coronavirus 2019 (COVID-19) pandemic; and

"(4) A suspension of the public school rating system under § 6-15-2105 is warranted for the 2020-2021 school year due to the continuing disruption to education caused by the ongoing coronavirus 2019 (COVID-19) pandemic."

Acts 2021, No. 89, § 2, provided: "Public school rating system. For the 2020-2021 school year, the Division of Elementary and Secondary Education shall not assign school ratings pursuant to § 6-15-2105."

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" and "division's" for "department's" in (b)(1); and substituted "Division of Elementary and Secondary Education" for "department" in (b)(3)(A).

The 2021 amendment deleted "designations or" preceding "ratings" in (a) and deleted "designation or" preceding "rating" in (b)(1) and (b)(2); and rewrote (b)(3).

6-15-2107. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for an incentive program for outstanding schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that experience high student performance and those with high student academic growth, which includes high school graduation rate comparisons for secondary schools.

(c)(1)(A) If funds are available, a public school or public charter school shall receive performance-based funding of:

(i) One hundred dollars (\$100) per student who attends the public school or public charter school if:

(a) The public school or public charter school is in the top five percent (5%) of all public schools in Arkansas in student performance under the criteria set forth by rule of the State Board of Education;

(b) The public school or public charter school is in the top five percent (5%) of all public schools in Arkansas in student academic growth under the criteria set forth by rule of the state board; or

(c) The public school or public charter school meets the criteria established by the state board to be used in lieu of the criteria set forth in subdivisions (c)(1)(A)(i)(a) and (b) of this section to reward top-performing public schools; or

(ii) Fifty dollars (\$50) per student who attends the public school or public charter school if:

(a) The public school or public charter school is in the top ten percent (10%) but below the top five percent (5%) of all public schools in Arkansas in student performance under the criteria set forth by rule of the state board;

(b) The public school or public charter school is in the top ten percent (10%) but below the top five percent (5%) of all public schools in Arkansas in student academic growth under the criteria set forth by rule of the state board; or

(c) The public school or public charter school meets the criteria established by the state board to be used in lieu of the criteria set forth in subdivisions (c)(1)(A)(ii)(a) and (b) of this section to reward high-performing public schools that do not meet the eligibility criteria set forth in subdivision (c)(1)(A)(i) of this section.

(B) The rewards listed in subdivision (c)(1)(A) of this section:

(i) Shall begin after the 2012-2013 state-mandated assessments; and

(ii) Shall be based upon the results of state-mandated assessments.

(2) The Division of Elementary and Secondary Education may disburse available performance-based funding appropriated by the General Assembly on a pro rata basis.

(d)(1) All eligible schools shall receive performance-based funding.

(2)(A) Funds shall be distributed to the school's fiscal agent and placed in the school's account and shall be used for purposes listed in subsection (e) of this section as determined by a committee which shall include:

(i) The principal;

(ii) A teacher elected by the faculty; and

(iii) A parent representative selected by the local parent-teacher association or some other local parental involvement group.

(B) The committee shall make its determination by December 15 of each applicable year.

(e) School recognition awards shall be used for the following:

(1) Nonrecurring bonuses to the faculty and staff;

(2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(3) Temporary personnel for the school to assist in maintaining and improving student performance.

(f) School recognition awards are exempt from §§ 6-17-119 and 6-20-412.

(g) The General Assembly shall appropriate and fund sufficient funds to implement this section.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2011, No. 989, § 21; 2013, No. 1429, § 9; 2015, No. 846, § 8; 2015, No. 854, § 2; 2017, No. 869, §§ 4-6; 2019, No. 910, § 1250.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c)(2).

6-15-2108. School rating system.

(a) The school rating system shall be a multiple-measures approach that shall include without limitation:

(1) Academic achievement on the annual statewide student assessment;

(2) Student growth on the annual statewide student assessment;

(3) School-level graduation rate or rates; and

(4) English-learner progress or growth in acquiring English.

(b) The school rating system shall consider without limitation at least one (1) or more of the following indicators:

(1) Closing the achievement gap;

(2) Academic growth of student subgroups, including without limitation economically disadvantaged students, students from major racial and ethnic groups, English learners, and students with disabilities;

(3) The percentage of the grade nine (9) cohort with on-time completion of credit attainment at the end of grade nine (9);

(4) Equity in resource allocation;

(5) The percentage of students who earn:

(A) Advanced placement credit;

(B) Concurrent credit;

(C) International Baccalaureate credit; or

(D) Industry-recognized certification that leads to articulated or concurrent credit at a postsecondary institution;

(6) Student access to multiple flexible learning continua, including but not limited to personalized, competency, or mastery learning;

(7) Student access to preschool offered by the public school district;

(8) The proportional percentage of qualified educators who hold a National Board for Professional Teaching Standards certification or have an advanced degree beyond their bachelor's degree; and

(9) Public school district and community partnerships.

(c) Indicators included or considered as part of the school rating system shall:

(1) Allow for meaningful differentiation in school performance; and

(2) Be valid, reliable, comparable, and applicable statewide.

(d) The Division of Elementary and Secondary Education shall promulgate rules to implement this section.

History. Acts 2017, No. 744, § 4; 2019, No. 910, § 1251.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d).

SUBCHAPTER 22 — SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY

SECTION.

6-15-2202. Access to public school information on school improvement plans.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-2202. Access to public school information on school improvement plans.

(a) This section is intended to:

(1) Improve student achievement and close achievement gaps among student subgroups by providing public access to school-level improvement plans;

(2) Improve parental involvement and communication with parents;

(3) Increase transparency and accountability of public schools and public school districts to the public; and

(4) Make public school and public school district data more accessible to researchers and policymakers.

(b) By the twentieth day following the date a public school or public school district is required by law or rule to provide the applicable information listed in this subsection, a public school district shall post the most recent version of the following information on its website:

(1) The public school district's annual report card and the annual report card of each public school in the public school district;

(2) A parent-friendly explanation of why the public school district is receiving Level 5 — Intensive support, a school is identified as in need of targeted or comprehensive support, or the public school district is in fiscal distress and what the public school district is doing to be removed

from Level 5 — Intensive support, to remove the school or schools within the public school district from being identified as in need of targeted or comprehensive support, or to be removed from fiscal distress;

(3) The public school district’s parental involvement plan and the parental involvement plan of all public schools in the public school district and informational packets required under § 6-15-1702; and

(4) Teacher qualifications for all public schools in the public school district.

(c) Not less than annually, the Division of Elementary and Secondary Education shall monitor compliance with the requirements of this section when the division:

(1) Directly monitors a school for compliance with standards for accreditation; or

(2) Assists a school with its school-level improvement plan or school district support plan.

(d)(1) The division shall report a failure to comply with this section to the State Board of Education.

(2) The state board shall establish by rule that compliance with this section is a requirement for accreditation of a public school or public school district.

History. Acts 2009, No. 1373, § 1; 2015, No. 841, § 4; 2017, No. 936, §§ 43-46; 2019, No. 757, §§ 17, 18; 2019, No. 910, §§ 1252, 1253.

Amendments. The 2019 amendment by No. 757 deleted (b)(2)(A) and (b)(2)(B); removed the (b)(2)(C) designation; substituted “in need of targeted or comprehensive support” for “targeted or comprehensive” twice in (b)(2); and substituted “for”

for “and” preceding “accreditation” in (c)(1).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in the introductory language of (c); and substituted “division” for “department” in the introductory language of (c) and in (d)(1).

SUBCHAPTER 23 — BEST FINANCIAL MANAGEMENT PRACTICES FOR SCHOOL DISTRICTS

SECTION.
6-15-2301. Best financial management practices for school districts — Standards — Reviews — Designation of school districts.

SECTION.
6-15-2302. General business manager — Definition.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that

these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Effi-

ciencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-2301. Best financial management practices for school districts — Standards — Reviews — Designation of school districts.

(a)(1) The purpose of the best financial management practices reviews is to improve Arkansas school district management's use of resources and to identify cost savings.

(2)(A) The Division of Elementary and Secondary Education and Arkansas Legislative Audit are directed to develop a system for reviewing the financial management practices of school districts.

(B) In this system, Arkansas Legislative Audit shall assist the division in examining school district operations to determine whether they meet "best financial management code practices".

(b)(1) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the division, school districts, and Arkansas Legislative Audit.

(2) The division shall submit to the state board for review and possible adoption proposed revisions to the best financial management practices adopted by the state board and reviewed by the Legislative Council.

(3) Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section.

(4)(A) The best financial management practices, at a minimum, shall be designed to instill public confidence by:

- (i) Addressing the school district's use of resources;
- (ii) Identifying ways that the school district could save funds; and
- (iii) Improving the school district's performance accountability systems, including public accountability.

(B) To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

- (i) Management structures;
- (ii) Performance accountability;
- (iii) Efficient delivery of educational services, including instructional materials;
- (iv) Administrative and instructional technology;
- (v) Personnel systems and benefits management;
- (vi) Facilities construction;
- (vii) Facilities maintenance;
- (viii) Student transportation;
- (ix) Food service operations;

(x) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;

(xi) Athletics; and

(xii) Other extracurricular activities.

(c)(1) The division shall conduct the reviews or contract with a private firm selected through a formal request-for-proposal process to perform the review.

(2) At least one (1) member of the private firm review team shall have expertise in school district finance.

(3) The scope of the review shall focus on the best practices adopted by the state board pursuant to subsection (b) of this section.

(d) The state board shall consult with the division throughout the best practices review process to ensure that the technical expertise of the division benefits the review process and supports the school districts before, during, and after the review.

(e)(1) Each school district shall be subject to a best financial management practices review.

(2) The General Assembly also intends that all school districts shall be reviewed biennially by on-site visits and shall be given one (1) of the following designations:

(A) "A", schools comprehensively complying with best financial practices;

(B) "B", schools complying with best financial practices at significant levels;

(C) "C", schools adequately complying with best financial practices;

(D) "D", schools less than adequately complying with best financial practices; or

(E) "F", schools failing to comply with best financial practices.

(3)(A) The division shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and the school district financial grades.

(B) The report, which shall be part of the overall school and school district report card requirement pursuant to § 6-15-2006, shall include both revenue sources and expenditures.

(C) The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and school district.

(f) The Legislative Council may adjust the schedule of school districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.

(g) Subject to funding by the General Assembly, the division may contract with a private firm to conduct best financial management practices reviews.

(h)(1) Reviews shall be conducted by Arkansas Legislative Audit, the division, or the consultant.

(2)(A) Funds may be used for the cost of reviews by Arkansas Legislative Audit and private consultants contracted by the state board.

(B) Costs may include professional services, travel expenses of the division and of the staff of Arkansas Legislative Audit, and any other necessary expenses incurred as part of a best financial management practices review and as preapproved by the division.

(i)(1) A school district shall complete a self-assessment instrument provided by the division that indicates the school district's evaluation of its performance on each best practice.

(2)(A) The school district shall begin the self-assessment no later than sixty (60) days before the commencement of the review.

(B) The completed self-assessment instrument and supporting documentation shall be submitted to the division no later than the date of commencement of the review as notified by the division.

(3) The best practices review team will use this self-assessment information during its review of the school district.

(j) During the review, the division or the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents or guardians, the business community, and other school district residents regarding their concerns about the operations and management of the school district.

(k)(1) School district reviews conducted under this section shall be completed within six (6) months after commencement.

(2)(A) The division shall issue a final report to the Legislative Council regarding the school district's use of the best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews.

(B) Copies of the final report shall be provided to the Governor, the state board, the school district superintendent, and the school district's school district board members.

(C)(i) The school district superintendent shall notify the press that the final report has been delivered.

(ii) The notification shall state the division's website address at which an electronic copy of the report is available.

(l)(1)(A) If the school district is found not to conform to the best financial management practices, the report shall contain an action plan, taking public input into consideration, detailing how the school district could meet the best practices within two (2) years.

(B) The school district board of directors shall develop and approve the implementation schedule within sixty (60) days after receipt of the final report.

(C) If a school district fails to vote on the action plan within sixty (60) days, the school district superintendent and school district board members shall be required to appear and present testimony before the state board and the Legislative Council.

(2)(A) Within sixty (60) days after the receipt of the final report, the school district board of directors shall notify the state board and the division in writing of the implementation schedule for the action plan.

(B) The division shall contact the school district, assess the situation, and offer technical assistance, if needed.

(m) After a school district board of directors votes to implement the action plan:

(1) No later than six (6) months after receipt of the final best financial practices report, the school district board of directors shall submit an initial status report to the Governor, the state board, Arkansas Legislative Audit, the division, and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and

(2)(A) A second status report shall be submitted by the school district to the Governor, the state board, Arkansas Legislative Audit, the division, and the Legislative Council no later than six (6) months after submission of the initial report, and every six (6) months thereafter, until status reports are not required.

(B) Status reports are not required once the state board concludes that the school district is using the best financial management practices and the school district is designated a grade category "A" for its financial practices.

(n)(1) School districts that are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section shall receive a "Seal of Best Financial Management".

(2)(A) The state board designation shall be effective until a school district's financial accountability grade decreases.

(B) The state board shall revoke the designation of a school district board of directors at any time if it determines that a school district is no longer complying with the state's best financial management practices.

(o) School district boards of directors that receive a best financial management practices review shall maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(p)(1) Unrestricted cost savings resulting from implementation of the best financial management practices shall be spent at the school and classroom levels for teacher salaries, teacher professional development, improved classroom and school facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities.

(2) Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

(3) If the school district is in fiscal distress, the cost savings may be used in accordance with the fiscal distress plan.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 9; 2019, No. 910, §§ 1254-1267.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (a)(2)(A); and substituted "Division of Elementary and Secondary Education" for "department" in (a)(2)(B), throughout (b) through (j), in (k)(2)(A), and throughout (l) and (m).

6-15-2302. General business manager — Definition.

(a) As used in this section, "general business manager" means a chief financial officer or business manager, however the position is titled, who:

(1) Is an employee of the public school district or is contracted to perform financial services;

(2) Is responsible for the fiscal operations of the public school district; and

(3) Performs duties under the direction of the superintendent of the public school district.

(b)(1) On and after July 31, 2007, a general business manager for a public school district shall meet the minimum qualifications established by rule of the Division of Elementary and Secondary Education.

(2) This subsection is intended to require minimum qualifications for a general business manager that support the implementation of best financial management practices for public school districts.

(c) A general business manager who was employed before July 31, 2007, shall be exempt from the provisions of subsection (b) of this section.

History. Acts 2007, No. 1591, § 1; 2019, No. 910, § 1268; 2021, No. 774, § 4.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(1).

The 2021 amendment added (a)(1) and redesignated the remaining subdivisions accordingly; and, in (a)(3), deleted "his or her" preceding "duties" and deleted "of schools" following "superintendent".

SUBCHAPTER 24 — POSTSECONDARY FEEDBACK

SECTION.

6-15-2401. Review of Arkansas Placement Status Reports — Reports of students needing remediation.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that

the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the

preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-2401. Review of Arkansas Placement Status Reports — Reports of students needing remediation.

- (a)(1) Representatives from the Division of Higher Education and the Division of Elementary and Secondary Education shall meet with the respective chairs of the Senate Committee on Education and the House Committee on Education, or their designees, along with the selected superintendents, high school principals, and high school counselors, one (1) time every biennium to review the Arkansas Placement Status Reports to determine whether any revisions in the format of the reports, the information that is reported, or the reporting process need to be made.
- (2) Agreed-upon changes would be reported to the Arkansas Higher Education Coordinating Board, the State Board of Education, the Senate Committee on Education, and the House Committee on Education.

(b) [Repealed.]

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 10; 2007, No. 1573, § 20; 2019, No. 757, § 19; 2019, No. 910, § 1269.

Amendments. The 2019 amendment by No. 757 repealed (b).

The 2019 amendment by No. 910 substituted “Division of Higher Education”

for “Department of Higher Education” and “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1).

SUBCHAPTER 25 — EDUCATION RENEWAL ZONES

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| SECTION. | SECTION. |
| 6-15-2501. Office of Education Renewal Zones — Creation. | 6-15-2504. School-level improvement plan implementation. |
| 6-15-2502. Establishment of education renewal zones — Purpose — Organization. | 6-15-2505. Annual report. |
| 6-15-2503. Inclusion of schools within designated education renewal zone. | |

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through

6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-2501. Office of Education Renewal Zones — Creation.

(a) There is created the Office of Education Renewal Zones.

(b) The office shall be under the supervision of the Division of Elementary and Secondary Education.

(c)(1) The Division of Elementary and Secondary Education shall select an individual to serve as the Director of the Office of Education Renewal Zones.

(2) With guidance and approval from the Division of Elementary and Secondary Education, the Director of the Office of Education Renewal Zones shall be responsible for hiring all employees of the office.

(3) The Director of the Division of Higher Education shall assign one (1) individual from the staff of the Division of Higher Education to serve as a liaison to the office.

(d) The office shall be responsible for developing guidelines for the approval of education renewal zone strategic plans and for the evaluation, reporting, and coordination of education renewal zone activities.

(e) The office shall approve all strategic plans developed by the education renewal zones before the disbursement or annual renewal of funds to participating institutions of higher education.

History. Acts 2003 (2nd Ex. Sess.), No. 106, § 1; 2019, No. 910, §§ 1270-1272; 2021, No. 134, § 1.

Amendments. The 2019 amendment substituted "Division of Education Renewal Zones" for "division" in (b), (c)(3), (d), and (e); and substituted "Division of Higher Education" for "Department of Higher Education" twice in (c)(3).

The 2021 amendment substituted "Office of Education Renewal Zones" or "of-

fice" for "Division of Education Renewal Zones" in the section heading and throughout the section; substituted "Division of Elementary and Secondary Education" for "State Board of Education" in (b) and for "state board" in (c)(1) and (c)(2); inserted "and coordination" in (d); and substituted "all strategic plans developed by the education renewal zones" for "any education renewal zone strategic plan" in (e).

6-15-2502. Establishment of education renewal zones — Purpose — Organization.

(a) A public school, an education service cooperative, or an institution of higher education is authorized to enter into one (1) or more interlocal agreements through which they collaborate to improve public school performance and academic achievement.

(b) Each interlocal agreement shall establish an education renewal zone.

(c) The purpose of an education renewal zone shall include:

(1) Identifying and implementing education and management strategies designed specifically to improve public school performance and

student academic achievement throughout the State of Arkansas, with special focus on the public schools in need of the specialized support and services provided by education renewal zones;

(2) Providing for collaboration among the state's smaller schools and school districts in order to achieve some of the advantages of economies of scale in providing educational and related activities;

(3) Maximizing benefits and outcomes of public schooling by coordinating available resources to improve public school performance and student academic achievement through a collaborative, statewide effort; and

(4) Enabling schools to make the best use of the latest cost-effective distance learning technology to enhance curricula and professional development opportunities.

(d) Each education renewal zone shall consist of the following:

(1)(A) A higher education partner.

(B) The Office of Education Renewal Zones shall develop, publish, and disseminate guidelines for establishing an education renewal zone, including a process for selecting a qualified higher education partner in the education service cooperative areas in the state and in Pulaski County.

(C)(i) A qualified higher education partner shall:

(a) Be a school with a department of education or a comprehensive four-year teacher preparation program; and

(b) Be capable of demonstrating a willingness and flexibility to restructure its programs and services to meet the needs of the participating grades kindergarten through twelve (K-12) schools and school districts.

(ii) The office shall give preference to qualified four-year higher education institutions located within the education service cooperative area.

(D) If there is no qualified four-year higher education institution located within the education service cooperative area, the office may select:

(i) A two-year higher education institution that in collaboration with a qualified four-year education institution located in another education service cooperative area provides a comprehensive four-year teacher preparation program; or

(ii) A qualified higher education institution located in another education service cooperative area.

(E) An institution of higher education may serve as the higher education partner for more than one (1) education service cooperative area;

(2)(A) An education service cooperative.

(B) The education service cooperative shall be a partner to support schools in student achievement and school improvement;

(3)(A) Public schools.

(B)(i) A public school identified by the Division of Elementary and Secondary Education as being in need of the specialized support and

services provided by education renewal zones shall participate in an education renewal zone if requested to do so by the division.

(ii) The office shall provide a priority for education renewal zone participation by the schools described in subdivision (d)(3)(B)(i) of this section, which shall be contingent on the appropriation availability of funding for the renewal education zones; and

(4)(A) A local advisory group.

(B) Each education renewal zone shall form a local advisory group composed of a representative of the following groups:

- (i) The higher education partner;
- (ii) The education service cooperative that includes the area in which the education renewal zone is located;
- (iii) Each public school or school district participating in the education renewal zone; and
- (iv) Parents or community members, or both.

(C) The membership and staff of local advisory groups shall be reflective of the diversity of the population of the state.

History. Acts 2003 (2nd Ex. Sess.), No. 106, § 1; 2017, No. 745, § 19; 2019, No. 757, §§ 20-23; 2019, No. 910, §§ 1273-1279; 2021, No. 134, § 2; 2021, No. 467, § 1.

A.C.R.C. Notes. Under the authority of § 25-43-109, subdivision (d)(3)(B)(ii) is set out above as amended by Acts 2019, No. 757, § 22, except that "Division of Elementary and Secondary Education" is substituted for "department" per Acts 2019, No. 910, and "classified by the State Board of Education" is substituted for "classified by the Department of Education" to be consistent with legislative intent, as reflected in subdivision (d)(3)(C)(ii) of this section as amended by Acts 2019, No. 757, § 23.

Subdivision (d)(3)(B)(ii) was amended by Acts 2019, No. 910, § 1275, to read as follows: "(ii) A public school designated by the Division of Elementary and Secondary Education as a school in school improvement or a school in a school district designated by the Division of Elementary and Secondary Education as being in academic distress shall participate in an education renewal zone if requested to do so by the Division of Elementary and Secondary Education, and the Division of Education Renewal Zones working with the Division of Elementary and Secondary Education shall establish priorities of establishing education renewal zones for those schools, which shall be contingent on the appropriation availability of funding for the renewal zones."

Under the authority of § 25-43-109, subdivision (d)(3)(C)(ii) is set out above as amended by Acts 2019, No. 757, § 23. Subdivision (d)(3)(C)(ii) was amended by Acts 2019, No. 910, § 1277, to read as follows: "(ii) The school lies within a school district designated by the Division of Elementary and Secondary Education as in academic distress or financial distress under the Arkansas Comprehensive Testing, Assessment, and Accountability Program."

Pursuant to Acts 2021, No. 467, § 13, the amendment of subdivision (d)(3)(C)(ii) of this section by Acts 2021, No. 467, § 1, is superseded by the repeal of subdivision (d)(3)(C)(ii) by Acts 2021, No. 134, § 2. The amendment by Acts 2021, No. 467, § 1, substituted "state board" for "Division of Elementary and Secondary Education" in subdivision (d)(3)(C)(ii).

Acts 2021, No. 467, § 13, provided: "Construction And Legislative Intent. It is the intent of the General Assembly that:

"(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

"(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

"(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

“(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

“(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

“(B) Section 1-2-107 shall not apply; and

“(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.”

Amendments. The 2019 amendment by No. 757, in (a), substituted “A” for “Effective July 1, 2004, any” and inserted “an” twice; substituted “the public schools in need of support” for “the state’s most academically distressed public schools” in (c)(1); substituted “district classified by the Department of Education as being in need of Level 5 — Intensive support” for “designated by the Department of Education as a school in school improvement or a school in a school district designated by the department as being in academic distress” in (d)(3)(B)(ii); and rewrote (d)(3)(C)(i) and (d)(3)(C)(ii).

The 2019 amendment by No. 910 substituted “Division of Education Renewal Zones” for “division” in (d)(1)(C) and (D) and throughout (d)(3) through (d)(5); in (d)(3)(B)(ii), substituted “Division of El-

ementary and Secondary Education” for “Department of Education” following “A public school designated by the” and substituted “Division of Elementary and Secondary Education” for “department” three times; and substituted “Division of Elementary and Secondary Education” for “department” in (d)(3)(C)(ii).

The 2021 amendment by No. 134 substituted “shall include” for “shall be to” in the introductory language of (c); in (c)(1), inserted “specialized” and added “and services provided by education renewal zones”; rewrote (c)(3); in (c)(4), deleted “small, rural, and low-wealth” preceding “schools” and substituted “opportunities” for “through two-way interactive learning environments”; substituted “Office of Education Renewal Zones” or “office” for “Division of Education Renewal Zones” throughout (d)(1); rewrote (d)(2)(B), (d)(3), and (d)(4); deleted (d)(5); and made stylistic changes.

The 2021 amendment by No. 467 substituted “state board” for “Division of Elementary and Secondary Education” in (d)(3)(C)(ii).

U.S. Code. The Every Student Succeeds Act, Pub. L. No. 114-95, referred to in this section, is codified as 20 U.S.C. § 6301 et seq.

6-15-2503. Inclusion of schools within designated education renewal zone.

(a)(1) The Office of Education Renewal Zones, the Division of Elementary and Secondary Education, and the local school districts shall exercise due diligence to assure, to the extent that funds are available, that each school identified as a school in need of the specialized support and services provided by education renewal zones is included in a designated education renewal zone.

(2) The State Board of Education may promulgate rules establishing criteria for the placement of schools in education renewal zones if insufficient funds exist to place all schools in need of the specialized support and services provided by education renewal zones in a designated education renewal zone.

(b) At its discretion, the office may include any school if the office determines, on the basis of location, characteristics of the school’s faculty or leadership, needs of the students, or other factors, that the inclusion of the school would support the school’s continuous improvement goals.

(c) At its discretion, the office may change participating schools within each education renewal zone.

History. Acts 2003 (2nd Ex. Sess.), No. 106, § 1; 2007, No. 1573, § 21; 2019, No. 757, § 24; 2021, No. 134, § 3.

Amendments. The 2019 amendment, in (a)(1), substituted “identified” for “classified”, “need of support” for “school improvement”, and “Every Student Succeeds

Act, Pub. L. No. 114-95” for “No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on December 1, 2003”; and substituted “need of support” for “school improvement” twice in (a)(2).

The 2021 amendment rewrote the section.

6-15-2504. School-level improvement plan implementation.

(a) Each school participating in an education renewal zone shall include in its school-level improvement plan required in § 6-15-2914 the following:

- (1) Goals for improving student achievement;
- (2) Measurable benchmarks for achieving student improvement goals;
- (3) A timeline for reaching goals in improving student achievement; and
- (4) Requirements for services to be provided by the education renewal zone partners.

(b) The partners within a specific education renewal zone shall develop a strategic plan that is responsive to the needs of the individual school-level improvement plans.

(c) The education renewal zone strategic plan shall at a minimum provide for the following:

(1) Collaboration between and among the higher education institution partners, education service cooperatives, schools, and parents or community members, or both, participating in the education renewal zone, including the academic departments of the higher education institution partners;

(2)(A) A comprehensive program of professional development to assure the practical knowledge base of pre-service and in-service teachers with respect to pedagogical practice, content knowledge, and competent use of distance learning technology.

(B) Funds received by school districts from the Division of Elementary and Secondary Education Public School Fund Account for professional development may be used to provide funding for the professional development required under subdivision (c)(2)(A) of this section;

(3) A strategy to recruit and retain highly qualified teachers by:

(A) Providing opportunities and support for teacher professional growth; and

(B) Providing opportunities for collaboration;

(4) Evidence-based practices to support schools in providing student-focused education;

(5) Active involvement of parents in the academic work of the student; and

(6) A means of collecting the data necessary to evaluate the progress of each participating public school and the education renewal zone in its entirety.

History. Acts 2003 (2nd Ex. Sess.), No. 106, § 1; 2019, No. 757, § 25; 2019, No. 910, § 1280; 2021, No. 134, § 4.

Amendments. The 2019 amendment by No. 757 substituted “school-level” for “school” in (a) and the introductory language of (b).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (d)(2)(B).

The 2021 amendment rewrote the section.

6-15-2505. Annual report.

(a) Each education renewal zone, using guidelines and indicators set by the Office of Education Renewal Zones, shall prepare an annual report to the office describing the progress toward accomplishing the goals of the education renewal zone.

(b) The office shall prepare an annual report for the Governor, the General Assembly, and the State Board of Education describing the progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

(c) The office shall establish a website, accessible by the public, to provide for broad dissemination of both the education renewal zone plans and strategies and the results of the annual reports on progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

History. Acts 2003 (2nd Ex. Sess.), No. 106, § 1; 2021, No. 134, § 5.

Amendments. The 2021 amendment substituted “Office of Education Renewal Zones” for “Division of Education Renewal

Zones” in (a) and “office” for “division” throughout the section; and substituted “report for the Governor” for “report to the Governor” in (b).

SUBCHAPTER 26 — THE REWARDING EXCELLENCE IN ACHIEVEMENT PROGRAM OF 2007

SECTION.

6-15-2605. Application forms and procedures for Rewarding Excellence in Achievement Program.

SECTION.

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

6-15-2608. Evaluation of participants.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-2605. Application forms and procedures for Rewarding Excellence in Achievement Program.

(a)(1)(A) A public school district or public charter school desiring to participate in the Rewarding Excellence in Achievement Program shall submit an application to the State Board of Education.

(B) A public school district may apply on behalf of a single school within the public school district that desires to participate in alternative pay.

(2)(A) The public school district or public charter school shall be selected through a competitive process.

(B) In selecting participants, the state board shall consider qualified applicants from various locations and of various sizes and demographics.

(3) The state board may approve up to twelve (12) applications.

(b) The state board shall adopt:

(1) An application form, a schedule, and a procedure that must be used to apply for the Rewarding Excellence in Achievement Program; and

(2) Criteria to use in selecting public school districts and public charter schools to participate in the Rewarding Excellence in Achievement Program.

(c) The application form must provide space for including all information required under this subchapter to be contained in a Rewarding Excellence in Achievement plan.

(d) The application procedure shall provide for a phase-in process, beginning with a planning phase for a twelve-month minimum period, to allow applicants access to resources that would allow sufficient research of best practices and to garner community and staff support in submitting a Rewarding Excellence in Achievement plan.

(e)(1) In order to participate in the Rewarding Excellence in Achievement Program, a public school district or public charter school shall have a district support plan that outlines the role of the district in supporting the Rewarding Excellence in Achievement Program.

(2) Before full implementation of a Rewarding Excellence in Achievement plan, the school-level improvement plan of the public school or public charter school shall include:

(A) Assessment and evaluation tools to measure student performance and progress based on an achievement gains model;

(B) Performance goals and benchmarks for improvement;

(C) Measures of student attendance and completion rates;

(D) A rigorous professional development system;

(E) Measures of student, family, and community involvement and satisfaction;

(F) A data reporting system about students and their academic progress that provides parents and the public with understandable information;

(G) A teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(H) Substantial participation by teachers in developing the Rewarding Excellence in Achievement plan.

(f)(1) As part of the application process, participant schools shall conduct a vote of the teachers with the threshold for acceptance being seventy percent (70%) or another percent established by a majority vote of the teachers and approved by the local board.

(2)(A) A teacher in the participant school or school district may elect not to participate in the Rewarding Excellence in Achievement plan.

(B) If fifty-one percent (51%) or more of a participant school's teachers elect not to participate, the Rewarding Excellence in Achievement plan shall not be implemented.

(g)(1) All recipients of funds provided by the Rewarding Excellence in Achievement Program shall cooperate and share all school demographic and student achievement data with any state-sponsored evaluation of the Rewarding Excellence in Achievement Program.

(2)(A)(i) A public school district or public charter school applicant shall form a committee to consist of public school administrators and teachers, the majority of whom shall be public school teachers.

(ii) The classroom teacher members of the committee shall be elected by a majority of the classroom teachers voting by secret ballot.

(iii) The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers.

(B) The committee shall be responsible for:

(i) Creating the school's Rewarding Excellence in Achievement plan; and

(ii)(a) Evaluating the school's Rewarding Excellence in Achievement plan.

(b) The committee shall report to its local board on the evaluation of the school's Rewarding Excellence in Achievement plan.

History. Acts 2007, No. 1029, § 1; 2009, No. 376, §§ 18, 19; 2019, No. 757, § 26.

Amendments. The 2019 amendment substituted "shall have a district support plan that outlines the role of the district in supporting the Rewarding Excellence in Achievement Program" for "must have an approved comprehensive school improvement plan, as defined in § 6-15-419(9) [repealed]" in (e)(1); in the introductory

language of (e)(2), substituted "school-level improvement plan" for "comprehensive school improvement plan" and deleted "public school district" following "public school"; and deleted "consistent with the comprehensive school improvement plan defined in § 6-15-419(9) [repealed] and student academic improvement plans as defined in § 6-15-419(3) [repealed]" at the end of (e)(2)(D).

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

(a) A Rewarding Excellence in Achievement plan approved for participation in the Rewarding Excellence in Achievement Program shall describe how:

(1) Teachers can achieve career advancement and additional compensation;

(2) The public school district or public charter school will provide teachers with career advancement options that allow teachers to retain primary roles in student instruction and facilitate site-focused professional development that helps other teachers improve their skills;

(3) The public school district or public charter school will prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of initial implementation of the Rewarding Excellence in Achievement plan;

(4) The forty percent (40%) to sixty percent (60%) performance portion of compensation will be determined;

(5) The forty percent (40%) to sixty percent (60%) knowledge and skill base portion of compensation will be determined;

(6) The plan will reform the steps and lanes salary schedule;

(7) The public school district or public charter school will encourage a collaborative relationship among teachers; and

(8) After full plan implementation, the alternative compensation system will be:

(A) Sustained; or

(B) Phased out if the Rewarding Excellence in Achievement plan evaluation reveals that the Rewarding Excellence in Achievement plan does not work for the school.

(b) Rewarding Excellence in Achievement plans approved for participation in the Rewarding Excellence in Achievement Program may include provisions regarding the compensation for administrators and other staff members.

(c) Compensation increases for the performance portion of compensation, forty percent (40%) to sixty percent (60%) of the teacher's total compensation, under the Rewarding Excellence in Achievement plan shall include:

(1)(A) Achievement gains of students in each teacher's class on student scores under the statewide student assessment system described in § 6-15-2907.

(B) Locally selected and Division of Elementary and Secondary Education-approved standardized assessment outcomes for students in each teacher's class may also be included;

(2)(A) Achievement gains of students on a school-wide basis under the statewide student assessment system described in § 6-15-2907.

(B) Locally selected and division-approved standardized assessment outcomes may also be included; and

(3) The remaining percentage of the performance portion of compensation of the teacher's total compensation shall be based on an objective teacher evaluation program that includes:

(A) An individual objective teacher evaluation conducted by the school principal that is aligned with the professional development plan described in § 6-15-2607; and

(B) Peer objective evaluations using multiple criteria conducted by locally selected and periodically trained evaluators that understand teaching and learning and that include provisions for integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under § 6-15-2009 [repealed].

History. Acts 2007, No. 1029, § 1; 2009, No. 376, § 20; Acts 2019, No. 757, §§ 27-29; 2019, No. 910, §§ 1281, 1282.

Amendments. The 2019 amendment by No. 757, in (c)(1)(A) and (c)(2)(A), inserted "student" preceding "assessment" and substituted "system" for "program" and "§ 6-15-2907" for "§ 6-15-433"; and

deleted "comprehensive school improvement plan and" preceding "professional" in (c)(3)(A).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education-approved" for "Department of Education-approved" in (c)(1)(B) and (c)(2)(B).

6-15-2608. Evaluation of participants.

(a) The Division of Elementary and Secondary Education shall commission an annual evaluation of the Rewarding Excellence in Achievement plan of each public school district and public charter school participating in the Rewarding Excellence in Achievement Program.

(b) An annual evaluation shall include without limitation consideration of:

(1) Student scores under the statewide assessment program described in § 6-15-433 [repealed];

(2) Student attendance;

(3) Student grades;

(4) Incidents involving student discipline;

(5) Socioeconomic data on students' families;

(6) Parental satisfaction with the schools;

(7) Student satisfaction with the schools; and

(8) Correlations between student assessment gains and teacher degree levels, years of experience, staff development, and a school's status for having a qualified teacher in every public school classroom under § 6-15-1004.

History. Acts 2007, No. 1029, § 1; 2019, No. 910, § 1283.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a).

SUBCHAPTER 27 — CLOSING THE ACHIEVEMENT GAP PROGRAM

SECTION.

6-15-2701. Closing achievement gap program — Definition.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-15-2701. Closing achievement gap program — Definition.

(a) As used in this section, “school in need of support” means a public school identified as in need of comprehensive support and improvement, additional targeted support, or targeted support and improvement under the Elementary and Secondary Education Act, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95.

(b)(1) A school district that has a school in need of support shall use its Enhanced Student Achievement Funding under § 6-20-2305(b)(4) to evaluate the impact of educational strategies used by the school in need of support to address the achievement gaps among students in the school in need of support.

(2) The evaluation shall:

(A) Identify the categories of programs and intervention strategies used with Enhanced Student Achievement Funding; and

(B) Report the progress made towards meeting the established goals for the school in need of support for the end of the immediately preceding school year and for the end of the current school year of students involved in the programs and intervention strategies identified under this subdivision (b)(2).

(c) The Division of Elementary and Secondary Education shall:

(1) Promulgate rules necessary to implement this section, including without limitation establishing the categories by which a school in need of support shall identify programs and intervention strategies under subsection (b) of this section; and

(2) In a comprehensive school-level improvement plan, direct the use of Enhanced Student Achievement Funding for strategies to close gaps in academic achievement, including without limitation:

(A) Using disaggregated school data to set academic improvement targets in reading, writing, mathematics, and science;

(B) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;

(C) Developing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;

(D) Developing a plan to immediately address gaps in learning;

(E) Examining and realigning, as needed, school scheduling, academic support systems, and assignments of personnel; and

(F) Designing a plan for increasing parental knowledge and skill to support academic objectives.

(d) The division shall identify the schools with the largest achievement gaps among students and give to those schools in need of support the division's highest priority for:

(1) Monitoring school-level improvement plans as required under § 6-15-2914; and

(2) Providing support under this subchapter.

History. Acts 2009, No. 949, § 1; 2019, No. 631, § 2; 2019, No. 757, §§ 30, 31; 2019, No. 910, §§ 1284, 1285; 2019, No. 1083, § 1.

A.C.R.C. Notes. The introductory language of subdivision (c)(2) of this section is set out as directed by the Arkansas Code Revision Commission. The introductory language of subdivision (c)(2) was amended by Acts 2019, No. 631, § 2; Acts 2019, No. 757, § 30; and Acts 2019, No. 1083, § 1. Acts 2019, No. 631 amended the initial clause of the provision to read: "In a school district's support plan", while Acts 2019, No. 757 amended the initial clause of the provision to read: "In a chronically underperforming school's comprehensive school-level improvement plan". The amendment by Acts 2019, No. 1083 substituted "Enhanced Student Achievement Funding" for "national school lunch state categorical funding".

Amendments. The 2019 amendment by No. 631 rewrote (a); substituted "school in need of support" for "chronically underperforming school" throughout the section; substituted "progress made towards meeting the established goals for the school in need of support" for "benchmark assessment scores" in (b)(2)(B); substituted "school district's support plan" for

"chronically underperforming school's comprehensive school improvement plan" in the introductory language of (c)(2); deleted former (c)(2)(A) and redesignated the remaining subdivisions accordingly; deleted (c)(3); substituted "identify the schools" for "identify the chronically underperforming schools" in the introductory language of (d); and, in (d)(1), substituted "school-level" for "school" and added "as required under § 6-15-2914".

The 2019 amendment by No. 757 substituted "school-level" for "school" preceding "improvement" in the introductory language of (c)(2) and in (d)(1).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (c); and substituted "division" or "division's" for "department" or "department's" in the introductory language of (d).

The 2019 amendment by No. 1083 substituted "Enhanced Student Achievement Funding" for "national school lunch state categorical funding" throughout the section.

U.S. Code. The Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95, is codified as 20 U.S.C. § 6301 et seq.

SUBCHAPTER 28 — DISTRICT OF INNOVATION PROGRAM

SECTION.

6-15-2801. Definitions.

6-15-2802. School of innovation designation — Rules.

SECTION.

6-15-2803. School of innovation application.

6-15-2804. School of innovation.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-15-2801. Definitions.

As used in this subchapter:

(1) "District of innovation" means a public school district with one (1) or more schools of innovation that has:

(A) Submitted a school of innovation application in compliance with § 6-15-2803;

(B) Obtained necessary exceptions from laws, rules, and local policies to improve the educational performance of students from the Commissioner of Elementary and Secondary Education; and

(C) Been approved as a district of innovation by the commissioner;

(2) "Eligible employees" means the employees who are employed at a school that is considering being designated as a school of innovation;

(3) "Innovation" means a new or creative alternative to the existing instructional and administrative practices that is intended to improve academic performance and learning for all students;

(4)(A)(i) "School council of innovation" means a body of individuals from a current or aspiring school of innovation composed of teachers, classified employees, the building-level principal or his or her administrative designee, parents, community members, a minimum of two (2) students from the school of innovation, and other interested parties selected by the school council of innovation to participate.

(ii) The teacher representatives shall be elected by a majority vote of the school's licensed eligible employees.

(iii) The classified representatives shall be elected by a majority vote of the school's classified eligible employees.

(iv)(a) The parent representatives shall be selected by a majority vote of the attendees at a meeting called for the purpose of selecting

the school's parent representatives and shall have a child in the school to be eligible to serve on the school council of innovation.

(b) Schools with a ten percent (10%) or greater minority student population shall have minority representation on the school council of innovation.

(B) The school council of innovation shall:

(i) Generate innovative ideas and proposals of its own;

(ii) Determine a method for requesting innovative ideas and proposals from school employees, community members, and other stakeholders to be submitted to the school council of innovation;

(iii) Receive innovative ideas and proposals from school employees, community members, and other stakeholders;

(iv) Consider all innovative ideas and proposals submitted by community members and other stakeholders; and

(v) Determine the content and format of the plan that will be voted on by the eligible employees.

(C) The school council of innovation may create subcommittees, which may include noncouncil members, to work on developing portions of the plan; and

(5)(A) "School of innovation" means a school that participates in a district of innovation to transform and improve teaching and learning.

(B) A school of innovation's plan is subject to the exceptions approved by the commissioner for the school of innovation.

History. Acts 2013, No. 601, § 1; 2019, No. 815, § 2. in (1)(A), substituted "Submitted" for "Developed" and "application" for "plan".

Amendments. The 2019 amendment,

6-15-2802. School of innovation designation — Rules.

(a)(1) The Commissioner of Elementary and Secondary Education may approve a public school's application to become a school of innovation for the purpose of transforming and improving the teaching and learning under § 6-15-2803.

(2) The Division of Elementary and Secondary Education may designate a public school as a school of innovation under subdivision (a)(1) of this section if the public school has met the objectives outlined in the public school's application to become a school of innovation within the time period established in the public school's application.

(b)(1) A school of innovation shall be approved for a period of four (4) years and may be renewed for four-year periods thereafter.

(2) The commissioner may revoke a public school's school of innovation designation if the public school fails to substantially fulfill the school of innovation plan as established in the public school's school of innovation application, meet goals and performance targets, or comply with applicable laws or rules.

(c) The State Board of Education shall adopt rules to administer this subchapter, including without limitation rules that address the:

- (1) Rules subject to exemption or modification for a school of innovation application if approved by the commissioner;
- (2) Application, school of innovation plan review, approval, and amendment process for a public school district to establish a school of innovation;
- (3) Timeline for initial approval of a school of innovation and subsequent renewal, including any ongoing evaluations of a school of innovation;
- (4) Documentation required to show meaningful parental, educator, and community engagement and capacity for the changes identified in the school of innovation plan;
- (5) Approval by the eligible employees of a school of innovation;
- (6) Evidence of teacher collaboration and shared leadership responsibility within each school seeking to become a school of innovation;
- (7) Documentation of the understanding and implementation of research-based practices of professional learning communities;
- (8) Process for revocation of a designation as a district of innovation or school of innovation;
- (9) Reporting and oversight responsibility of the school of innovation and the division;
- (10) Budget and financial details of the school of innovation; and
- (11) Other information necessary as determined by the state board.

History. Acts 2013, No. 601, § 1; 2017, No. 871, § 1; 2019, No. 815, §§ 3-5; 2019, No. 910, §§ 1286, 1287.

Amendments. The 2019 by No. 815 amendment redesignated (a) as (a)(1); substituted “school’s application to become a” for “school as a” in (a)(1); added (a)(2); in (b)(2), substituted “a public school’s school of innovation designation if the public school fails to substantially fulfill the school of” for “the school of innovation designation if a school fails to

substantially fulfill the school’s” and inserted “as established in the public school’s school of innovation application”; and substituted “application” for “plan” in (c)(1).

The 2019 amendment by No. 910 substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (a) [now (a)(1)]; and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (c)(9).

6-15-2803. School of innovation application.

(a) A school district shall submit its school of innovation application, approved by the school district board of directors, to the Commissioner of Elementary and Secondary Education for approval to become a school of innovation.

(b) A school of innovation application shall address without limitation:

(1) The goals and performance targets for the school of innovation, which may include without limitation:

(A) Reducing the achievement gap among one (1) or more groups of students by accelerating learning experiences for academically low-achieving students while increasing all student learning through the implementation of highly rigorous standards for student performance;

- (B) Increasing student participation in curriculum options;
- (C) Exploring new avenues for expanding students' college and career readiness;
- (D) Motivating students by exploring innovative teaching and learning choices; and
- (E) Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning;
- (2) Changes needed in the school that will lead to students who are better prepared for success in life and career; and
- (3) Innovative practices to be used in the school of innovation.
- (c) Schools of innovation shall document:
 - (1) Parental, school employee, and community engagement;
 - (2) The capacity for the proposed school of innovation;
 - (3) The rationale for law, rule, and local policy exception requests;
 - (4) Progress toward goals and performance targets; and
 - (5) Other information requested by the commissioner.

History. Acts 2013, No. 601, § 1; 2019, No. 815, § 6; 2019, No. 910, § 1288.

Amendments. The 2019 amendment by No. 815 substituted "application" for "plan" in the section heading, in (a), and in the introductory language of (b); added "without limitation" at the end of (b)(1); substituted "students who are better pre-

pared" for "better prepared students" in (b)(2); deleted "the" at the end of the introductory language of (c); and added "The" in (c)(2) and (c)(3).

The 2019 amendment by No. 910 substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (a).

6-15-2804. School of innovation.

- (a) A school that is designated a school of innovation shall:
 - (1) Ensure that the same health, safety, civil rights, and disability rights requirements are in place as those that apply to all other public schools;
 - (2) Ensure that the high school curriculum offered meets or exceeds the minimum high school graduation requirements adopted by the State Board of Education;
 - (3) Adhere to financial audits, audit procedures, and audit requirements adopted by the state board for public school districts;
 - (4) Require criminal background checks for school employees and volunteers as required by law for public school districts;
 - (5) Comply with open records and open meeting requirements;
 - (6) Comply with purchasing limitations and requirements;
 - (7)(A) Provide instructional time that meets or exceeds the instructional time requirement adopted by the state board unless granted an exception by the Commissioner of Elementary and Secondary Education.
 - (B) Instructional time may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours;
 - (8) Provide data requested by the Division of Elementary and Secondary Education to generate reports;

(9) Adhere to The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;

(10) Comply with state law and rules regarding the education of gifted and talented students; and

(11) Demonstrate research-based implementation of professional learning communities throughout the school that address the needs of the students and professionals.

(b)(1) Before a public school district submits a school of innovation plan to the commissioner, the eligible employees of each proposed school of innovation shall vote on whether the school shall be designated a school of innovation.

(2) A minimum of sixty percent (60%) of the eligible employees voting in support of the school's designation as a school of innovation is required before the school's innovation plan may be submitted to the school district board of directors for approval.

(3) The school council of innovation shall be responsible for conducting the vote required under subdivision (b)(1) of this section.

(c) A school of innovation plan may request exemptions from local policies and specific laws and rules approved for exemption or modification by the state board except The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(d) A public school district with a negotiated employment contract in place shall follow the procedure set forth within the contract that allows the implementation of a school of innovation.

History. Acts 2013, No. 601, § 1; 2015, No. 1136, § 1; 2017, No. 871, § 2; 2019, No. 910, §§ 1289, 1290.

Amendments. The 2019 amendment substituted "Commissioner of Elementary

and Secondary Education" for "Commissioner of Education" in (a)(7)(A); and substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(8).

SUBCHAPTER 29 — ARKANSAS EDUCATIONAL SUPPORT AND ACCOUNTABILITY ACT

SECTION.

6-15-2904. Responsibility of Division of Elementary and Secondary Education.

6-15-2906. Academic standards.

6-15-2907. Statewide student assessment system — Definition.

6-15-2908. Analyses of statewide student assessment data.

6-15-2909. Public availability of test instruments and scores.

6-15-2910. Student performance levels.

6-15-2911. Student-focused learning system.

6-15-2912. Educator excellence — Intent.

SECTION.

6-15-2913. Levels of school district support.

6-15-2914. School-level improvement plans — School district support plans.

6-15-2915. School district classification as in need of Level 5 — Intensive support — Student transfer eligibility.

6-15-2916. State Board of Education authority over public school district classified as in need of Level 5 — Intensive support.

SECTION.

6-15-2917. Public school district under authority of State Board of Education.

SECTION.

6-15-2918. Comprehensive information systems.

A.C.R.C. Notes. Acts 2019, No. 1082, § 1, provided: "Legislative intent. The General Assembly finds that:

"(1) Full implementation of Arkansas' goal of a student-focused education system for all students will require most schools to rethink, if not restructure, their entire educational program and reallocate all current and any new resources to a restructured and more effective educational delivery;

"(2) Since 2005, two billion six hundred eighty-six million eight hundred five thousand eight hundred fifty dollars (\$2,686,805,850) in national school lunch funds have been sent to public schools in Arkansas;

"(3) National school lunch state categorical programs are designed to provide extra help and strategies for struggling students and must be focused to target the needs of struggling students;

"(4) Current flexibility in national school lunch state categorical funding allowable expenditures has not shown that the funds have had a positive impact on student outcomes or successfully closed achievement gaps;

"(5) Public school districts spend the highest amount of national lunch state categorical funds on curriculum specialists and instructional facilitators and other activities that are not specified by law or Department of Education rule that have been approved by the Department of Education, and transfer national school lunch state categorical funds to other categorical programs;

"(6) Thirty-four percent (34%) of Arkansas public students in grades three through ten (3-10) are scoring at the lowest level of performance on the ACT Aspire reading test;

"(7) Six (6) Core Strategies were included in the Odden and Picus Original 2003 Adequacy Report, the 2006 Recalibration report, and the 2014 Desk Audit, and all educational initiatives included in these reports and the funding used for the educational initiatives are backed by evidence-based research;

"(8) Arkansas's students must be prepared for college, careers, and citizenship in the current global economy, and work in the knowledge-based economy requires the same skills and expertise to go to college or to enter the work force after high school;

"(9) Public schools must deploy more powerful instructional strategies and use resources more productively, and need to change the curriculum that is used, the means of organizing instruction, and how resources are used;

"(10) Teacher development opportunities must be redesigned to provide personalized opportunities so that all teachers acquire the instructional expertise to educate all students by using the extensive professional development resources that are included in the funding model in the most effective ways;

"(11) Schools must reinforce achievement for struggling students by providing a series of extended learning opportunities, such as some combination of one-on-one and small group tutoring by a licensed teacher, extended-day learning, and summer school programs, and must hold performance standards high and vary instructional time so all students can achieve rigorous standards in order to work towards closing the achievement gap; and

"(12) The House Committee on Education and the Senate Committee on Education, meeting jointly, find it necessary to revise current national school lunch state categorical funding allowable expenditures in order to maximize the most effective use of funds and focus allowable expenditures on targeted programs that maximize student achievement."

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 744, § 6: Apr. 19, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-19) pandemic has resulted in substantial disruption to the educational system in the state's kinder-

garten through grade twelve (K-12) public schools and open-enrollment public charter schools; that amendments to the law as provided in this act are needed to address challenges faced by Arkansas students in succeeding in school and in life; and that this act is immediately necessary to maintain the orderly operation of public schools and open-enrollment public charter schools so that students in this state continue to receive an adequate education. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-15-2904. Responsibility of Division of Elementary and Secondary Education.

The Division of Elementary and Secondary Education shall develop and implement a comprehensive accountability system for Arkansas public schools and school districts that:

- (1) Establishes clear academic standards that are periodically reviewed and revised;
- (2) Maintains a statewide student assessment system that includes a variety of assessment measures;
- (3) Assesses whether all students have equitable access to excellent educators;
- (4) Establishes levels of support for public school districts; and
- (5) Maintains information systems composed of performance indicators that allow the division to identify levels of public school district support and generate reports for the public.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1291.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in the section heading and in the introductory language; and substituted "division" for "department" in (5).

6-15-2906. Academic standards.

(a)(1) The Division of Elementary and Secondary Education shall establish academic standards that define what students shall know and be able to demonstrate in each content area.

(2) Instruction in all public schools shall be based on the academic standards to prepare students to demonstrate the skills and competencies necessary for successful academic growth and high school graduation.

(b) The division shall establish a schedule for periodic review and revision of academic standards to ensure that Arkansas academic standards are rigorous and prepare students for college, career, and community engagement.

(c) The division shall include, at a minimum, the following elements in the periodic review and revision of Arkansas academic standards:

(1) Review and input by Arkansas:

(A) Educators from elementary, secondary, and higher education; and

(B) Community members with professional experience related to the academic content area;

(2) Study and consideration of academic standards at the national and international level, as appropriate;

(3) Study and consideration of an evaluation of the academic standards from national groups or organizations, as appropriate; and

(4) Public dissemination of revised academic standards.

History. Acts 2017, No. 930, § 2; 2019, No. 910, §§ 1292-1294.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" in (b) and in the introductory language of (c).

6-15-2907. Statewide student assessment system — Definition.

(a) The Division of Elementary and Secondary Education shall implement a statewide student assessment system to be administered by Arkansas public schools on a schedule determined by the State Board of Education that includes the following components:

(1) Developmentally appropriate measurements or assessments for kindergarten through grade two (K-2) in literacy and mathematics;

(2) Assessments to measure English language arts, mathematics, and science as identified by the state board;

(3) Assessments of English proficiency of all English learners; and

(4)(A) Assessments to measure college and career readiness.

(B) A public school that serves a student in grades ten through twelve (10-12) shall administer college and career readiness assessments, including a career readiness assessment that leads to a nationally recognized work readiness certificate, as determined by the state board to each student before he or she graduates from high school.

(C) Public school districts may offer additional college and career readiness assessments for students in grades ten through twelve (10-12) at no cost to the student by using public school district funding, including without limitation Enhanced Student Achievement Funding under § 6-20-2305.

(b) At the direction of the state board, the division shall cause assessment instruments to be administered at additional grade levels as necessary to measure educational achievement in the public schools of this state.

(c) The statewide student assessment system may include additional assessment options approved by the state board, including without limitation assessments to measure application of knowledge and skills in civics, government, and additional sciences, as measured on a schedule determined by the state board.

(d) A public school district, at its own expense, may assess the academic achievement and growth of students by other means in addition to the required statewide student assessment system.

(e) All students enrolled in a public school district shall participate in the statewide student assessment system.

(f) Public school district boards of directors shall not establish school calendars that limit or interfere with student participation in the statewide student assessment system.

(g) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.

(h) The division shall provide for statewide student assessments that are:

(1) Valid and reliable;

(2) Obtained or developed, as appropriate, through contracts and project agreements;

(3) Aligned to the Arkansas academic standards; and

(4) Scored and returned for public school and school district use by August 1 of each year.

(i)(1) Public schools, school districts, and educators shall maintain assessment security and confidentiality.

(2)(A)(i) The following individuals may serve as the test administrator during the administration of a statewide student assessment under this subchapter if the individual has received the training required by the division:

(a) A licensed educator, including a long-term substitute teacher;

(b) A retired educator; and

(c) An individual employed under a waiver from licensure as a teacher of record or as an administrator.

(ii) If accompanied by a test administrator as described in subdivision (i)(2)(A)(i) of this section, any employee, including a substitute teacher, may serve as a test proctor.

(B) A relative or guardian of a student shall not serve as a test administrator or proctor in the same testing room as the student during the administration of an assessment under this subchapter.

(C) As used in this section, "long-term substitute teacher" means an individual who holds a valid teaching license who does not have a full-time contract with a school district.

(3) A violation by a public school, a public school district, or an educator of the security or confidential integrity of any test or assess-

ment may result in action by the state board under §§ 6-17-410 and 6-17-428 or under the rules promulgated by the state board to implement this subchapter.

(j) The statewide student assessment system shall not assess students' religious or political beliefs.

(k)(1) The assessment scores of students attending the Arkansas School for Mathematics, Sciences, and the Arts shall be sent to and included on the reports of the public school district the student attended immediately before transferring to the Arkansas School for Mathematics, Sciences, and the Arts.

(2) Copies of the assessment scores of students attending the Arkansas School for Mathematics, Sciences, and the Arts shall be made available to the Arkansas School for Mathematics, Sciences, and the Arts.

(l) Public school districts shall analyze and report student performance data to students, parents, and the community, if the disclosures are not in conflict with applicable federal law and state law.

History. Acts 2017, No. 930, § 2; 2019, No. 910, §§ 1295-1297; 2019, No. 1083, § 2; 2021, No. 251, § 2; 2021, No. 319, § 1.

Amendments. The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (a); and substituted "division" for "department" in (b) and the introductory language of (h).

The 2019 amendment by No. 1083 substituted "Enhanced Student Achievement

Funding" for "national school lunch state categorical funding" in (a)(4)(C).

The 2021 amendment by No. 251 substituted "August 1" for "July 1" in (h)(4).

The 2021 amendment by No. 319 inserted "including a career readiness assessment that leads to a nationally recognized work readiness certificate" in (a)(4)(B); and made a stylistic change.

6-15-2908. Analyses of statewide student assessment data.

(a)(1) The Division of Elementary and Secondary Education shall provide analyses of data produced by statewide student assessments.

(2) The analyses of data shall:

(A) Use statewide student assessment results and other valid and reliable measures of student learning, as determined by the State Board of Education, that measure student performance and growth for the purposes of improving student achievement, accountability, and recognition; and

(B) Provide the best measures of the effects of the classroom, school, and school district on student performance or progress.

(3) The model used by the division shall:

(A) Be approved by the state board before implementation; and

(B) Include without limitation sufficient transparency in the model's selection, development, and operational use to:

(i) Ensure that clear documentation, justification, and technical qualities are reported; and

(ii) Allow others in the field to assess the nature and quality of the model, the resulting scores, and interpretations based on the model's scores.

(b) The state board shall approve the process and timeline for a public school district to verify the accuracy or request correction of the statewide student assessment data.

(c) The score on statewide student assessments for an English learner:

(1) Shall not be counted for growth or achievement purposes in the accountability ratings of a public school or public school district if the English learner has been enrolled in a public school or private school in the United States for less than twelve (12) months; and

(2) Shall be counted for growth purposes only and not for achievement purposes in the accountability ratings of a public school or public school district if the English learner has been enrolled in a public school or private school in the United States for at least twelve (12) months but not more than twenty-four (24) months.

History. Acts 2017, No. 930, § 2; 2019, No. 910, §§ 1298, 1299.

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" in the introductory language of (a)(3).

Amendments. The 2019 amendment substituted "Division of Elementary and

6-15-2909. Public availability of test instruments and scores.

(a) Any material containing the personally identifiable information, including without limitation identifiable scores, of individual students on any test taken under the provisions of this subchapter shall not be:

(1) Considered a public record within the meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq.; or

(2) Disseminated or otherwise made available to the public by a member of the State Board of Education, an employee of the Division of Elementary and Secondary Education, a member of the board of directors of a school district, an employee of a school district, or any other person, except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2017.

(b) All analyses, reports, and compilations of test scores that do not contain personally identifiable information are a public record within the meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq., if the release complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2017, and with the Student Online Personal Information Protection Act, § 6-18-109.

(c) In order to protect the validity and reliability of statewide student assessments, the test instruments shall not be made available to the public.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1300. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(2).

Amendments. The 2019 amendment Education” in (a)(2).

6-15-2910. Student performance levels.

(a) The Division of Elementary and Secondary Education shall recommend student performance levels for the statewide student assessment system to the State Board of Education for its approval.

(b) Student performance levels shall be adopted for the following academic content areas, including without limitation:

- (1) English language arts;
- (2) Mathematics; and
- (3) Science.

(c) Student performance levels for academic content areas shall indicate the skills and competencies necessary for a student to be college and career ready by the completion of high school.

(d) Student performance levels shall be adopted for English language proficiency.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1301. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a).

Amendments. The 2019 amendment Education” in (a).

6-15-2911. Student-focused learning system.

(a)(1) The Division of Elementary and Secondary Education shall collaborate with public school districts to transition to a student-focused learning system to support success for all students.

(2) As part of a public school district’s student-focused learning system, the public school district shall annually use multiple academic measures to identify students in need of additional support or acceleration to personalize learning in order for students to achieve their grade-level expectations and individual growth.

(3)(A) Academic measures shall include statewide student assessment results.

(B) Academic measures may include without limitation:

- (i) Subject grades;
- (ii) Student work samples; and
- (iii) Local assessment scores.

(b)(1) Beginning with the 2018-2019 school year, each student, by the end of grade eight (8), shall have a student success plan developed by school personnel in collaboration with parents and the student that is reviewed and updated annually.

(2) The student success plan shall, at a minimum:

- (A) Guide the student along pathways to graduation;
- (B) Address accelerated learning opportunities;
- (C) Address academic deficits and interventions; and
- (D) Include college and career planning components.

(3) An individualized education program for a student with a disability, identified under the Individuals with Disabilities Education Act, 20

U.S.C. § 1400 et seq., meets the requirements of this section if the individualized education program:

(A) Addresses academic deficits and interventions for students not meeting standards-based academic goals at an expected rate or level; and

(B) Includes a transition plan that addresses college and career planning components.

(4) The State Board of Education may promulgate rules to implement this section that include without limitation requirements for the development and review of a student success plan if a student is enrolled for the first time in or transfers to a public school district in the state during or after the student completes grade eight (8).

(c) Public school districts shall use data from college and career readiness assessments to:

(1) Update student success plans;

(2) Assist students with:

(A) College and career readiness skills;

(B) Course selection in high school; and

(C) Improved academic achievement;

(3) Provide the basis for counseling concerning postsecondary preparatory programs; and

(4) Support strategies or programs to:

(A) Increase college preparation rates of all students, including students of low income, English learners, and minority students;

(B) Decrease the remediation rates of high school graduates entering institutions of higher education; and

(C) Increase the attainment of career credentials or technical certificates through expanded opportunities for students.

(d) Public school districts may include community engagement components as part of the public school's student-focused learning system and student success plans.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1302.

Amendments. The 2019 amendment, in (a)(1), substituted "Division of Element-

tary and Secondary Education" for "Department of Education" and deleted "Beginning with the 2017-2018 school year" from the beginning.

6-15-2912. Educator excellence — Intent.

(a) It is the intent of the General Assembly that all students in Arkansas public schools be taught by qualified and effective educators and that low-income or minority students not be taught at disproportionate rates by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed.

(b) The State Board of Education may promulgate rules that promote the state's goal of providing all Arkansas public school students with qualified and effective educators and include without limitation:

(1) Systems to support educator effectiveness;

(2) The method of reporting educator effectiveness by public schools and school districts, including without limitation:

(A) The professional qualifications of educators; and

(B) The number and percentage of:

(i) Teacher educators, principals, and school leaders who are inexperienced;

(ii) Educators with emergency or provisional credentials; and

(iii) Educators who are teaching a subject for which they are not currently licensed; and

(3) The methods of calculating and reporting the rate at which low-income and minority students are disproportionately taught by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed.

(c) Each public school and school district shall:

(1) Report the data needed by the Division of Elementary and Secondary Education to identify and evaluate educator effectiveness in accordance with state and federal reporting requirements; and

(2) Ensure that its educators provide instruction that aligns with the academic standards established to prepare students to demonstrate the skills and competencies necessary for successful academic growth and high school graduation.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1303.

substituted "Division of Elementary and Secondary Education" for "Department of

Amendments. The 2019 amendment Education" in (c)(1).

6-15-2913. Levels of school district support.

(a)(1) The State Board of Education shall promulgate rules to establish:

(A)(i) The process for determining the differentiated levels of support that the Division of Elementary and Secondary Education will provide to school districts.

(ii) The levels of support shall include:

(a) Level 1 — General;

(b) Level 2 — Collaborative;

(c) Level 3 — Coordinated;

(d) Level 4 — Directed; and

(e) Level 5 — Intensive; and

(B) The process for guiding, monitoring, or directing:

(i) School-level improvement plans;

(ii) Supports;

(iii) Resources;

(iv) Interventions; and

(v) Reporting requirements.

(2) The process established by the state board for determining the level of support provided to a public school district may include without limitation consideration of:

(A) The performance levels of all students on statewide student assessments adopted in accordance with the consolidated state plan;

(B) The performance levels of subgroup populations on statewide student assessments adopted in accordance with the consolidated state plan;

(C) The schools identified as in need of targeted or comprehensive support, or both, pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95; and

(D) Other criteria the state board determines appropriate, including without limitation:

- (i) Feeder pattern performance;
- (ii) Graduation rates;
- (iii) Growth calculations; and
- (iv) Other indicators of school success.

(3) Beginning with the 2019-2020 school year, the division shall provide:

(A)(i) Level 3 — Coordinated support to a public school district in which forty percent (40%) or more of the public school district's students score "in need of support" on the state's prior year summative assessment for reading.

(ii) Level 3 — Coordinated support shall be provided in collaboration with the public school district's educational service cooperative; and

(B) Level 4 — Directed support to a public school district in which fifty percent (50%) or more of its students score "in need of support" on the state's prior year summative assessment for reading.

(b)(1) The state board may adopt, by rule, an alternate process of determining the level of support to be provided to public schools or school districts serving specific student populations, including without limitation:

(A) A public school that is designated solely as an alternative learning environment;

(B) An open-enrollment public charter school whose mission and enrollment are primarily focused on students who have dropped out of school or are identified as at risk of dropping out of school;

(C) A conversion public charter school whose mission and enrollment are primarily focused on students who have dropped out of school or are identified as at risk of dropping out of school;

(D) The Arkansas School for the Blind;

(E) The Arkansas School for the Deaf; and

(F) A public school or system of education that primarily serves adjudicated youth.

(2) The alternate process adopted by the state board under subdivision (b)(1) of this section shall specify the method to measure student academic performance.

(c) A public school district that fails to comply with requirements placed on the public school district by the state board under this subchapter is in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1304; 2019, No. 1082, § 2. elementary and Secondary Education” for “Department of Education” in (a)(1)(A)(i).

Amendments. The 2019 amendment by No. 910 substituted “Division of El- The 2019 amendment by No. 1082 added (a)(3).

6-15-2914. School-level improvement plans — School district support plans.

(a) The General Assembly finds that it is the responsibility of:

- (1) The state to support its public school districts; and
- (2) A public school district to support its schools.

(b)(1)(A) Beginning on May 1, 2018, and by May 1 annually thereafter, a public school shall submit to its public school district a school-level improvement plan for approval by the public school district and public school district board of directors for implementation in the following school year.

(B)(i) A public school district and an open-enrollment public charter school shall include a literacy plan in the annual school-level improvement plan required under subdivision (b)(1)(A) of this section.

(ii) The literacy plan required under subdivision (b)(1)(B)(i) of this section shall include without limitation a curriculum program and a professional development program that are:

- (a) Aligned with the literacy needs of the public school district; and
- (b) Based on the science of reading as defined by § 6-17-429(k)(1).

(2) School-level improvement plans shall be posted on the public school district’s website by August 1 of each year.

(c) School-level improvement plans shall be:

- (1) Monitored by the public school district for implementation fidelity and progress throughout the year; and
- (2) Evaluated annually by the public school district for goal progress and accomplishment.

(d)(1) Annually by September 1, a public school district receiving Level 2 — Collaborative, Level 3 — Coordinated, Level 4 — Directed, or Level 5 — Intensive support shall submit to the Division of Elementary and Secondary Education a public school district support plan in accordance with rules of the State Board of Education.

(2) A public school district’s support plan shall be posted on the public school district’s website no later than ten (10) days after submission to the division.

(3)(A) A public school district in which forty percent (40%) or more of the public school district’s students scored “in need of support” on the state’s prior year summative assessment for reading shall develop a literacy plan as part of the public school district support plan required under this section.

(B) The public school district literacy plan shall include:

- (i) Goals for improving reading achievement throughout the public school district; and
- (ii) Information regarding the prioritization of funding, including without limitation Enhanced Student Achievement Funding received

under § 6-20-2305, for strategies to improve reading achievement throughout the public school district.

(e) Public school district support plans shall include without limitation the support the public school district will provide to public schools identified as in need of targeted or comprehensive support, or both, pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95.

History. Acts 2017, No. 930, § 2; 2019, No. 83, § 2; 2019, No. 910, § 1305; 2019, No. 1082, § 3.

A.C.R.C. Notes. Acts 2019, No. 83, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The Right to Read Act, § 6-17-429, addresses the science of reading for current educators and those in an undergraduate teaching program;

"(2) If educators do not have an understanding of scientific reading instruction, many students will not receive the reading instruction necessary to read at grade level;

"(3) The percentage of Arkansas students in grade three (3) who were 'ready' or 'exceeding' in reading on the 2018 ACT Aspire test was thirty-eight percent (38%);

"(4) Dyslexia programs in Arkansas should be aligned to structured literacy as

outlined by the International Dyslexia Association; and

"(5) Educators throughout the state are in the process of completing the appropriate professional development requirements with respect to the science of reading and structured literacy, but public school districts have not provided those teachers with the necessary materials and resources to implement the methods required by science of reading and structured literacy programs in their classrooms."

Amendments. The 2019 amendment by No. 83 added (b)(1)(B) and redesignated former (b)(1) as (b)(1)(A).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d)(1).

The 2019 amendment by No. 1082 added (d)(3).

6-15-2915. School district classification as in need of Level 5 — Intensive support — Student transfer eligibility.

(a) The State Board of Education shall promulgate rules governing the classification of public school districts as in need of Level 5 — Intensive support and the support to be provided.

(b) The Division of Elementary and Secondary Education shall notify in writing the public school district superintendent and the president of the public school district board of directors of the recommendation to the state board for classification as in need of Level 5 — Intensive support.

(c)(1) A public school district recommended for classification as in need of Level 5 — Intensive support may appeal to the state board by filing a written appeal with the Commissioner of Elementary and Secondary Education in accordance with the procedure established in the rules of the state board.

(2) A public school district shall be classified as in need of Level 5 — Intensive support and receive support upon final determination by the state board.

(3) A public school district may appeal the state board's final determination to the Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) A student attending a public school district classified as in need of Level 5 — Intensive support may transfer under the Arkansas Opportunity Public School Choice Act, § 6-18-227, to another public school district that is not classified as in need of Level 5 — Intensive support.

History. Acts 2017, No. 930, § 2; 2019, No. 910, §§ 1306, 1307.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (b); and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c)(1).

6-15-2916. State Board of Education authority over public school district classified as in need of Level 5 — Intensive support.

If a public school district is classified as in need of Level 5 — Intensive support, the State Board of Education may:

(1) Direct the Commissioner of Elementary and Secondary Education to conduct an analysis of all school district systems and make recommendations for action by the state board; and

(2) Assume authority of the public school district and take one (1) or more of the following actions at any time after classification:

(A) Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district and:

(i) Appoint an individual in place of the superintendent of the public school district to administratively operate the public school district under the supervision and approval of the commissioner;

(ii) Authorize the individual to remove, replace, reassign, or suspend public school district personnel in accordance with state law; and

(iii) Compensate from public school district funds the individual appointed to operate the public school district and other individuals authorized by the commissioner;

(B) Remove permanently or suspend on a temporary basis some or all of the current public school district board of directors and either:

(i) Call for the election of a new public school district board of directors, in which case the public school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(ii) Require the public school district to operate without a board of directors under the supervision of the superintendent of the public school district or an individual or panel appointed by the commissioner; or

(iii) Direct the commissioner to assume some or all authority of the public school district board of directors as may be necessary to operate the public school district;

(C)(i) Remove on a temporary basis some or all of the powers and duties granted to the current public school district board of directors under § 6-13-620 or any other law but allow the public school district board of directors to continue to operate under the direction and approval of the commissioner.

(ii) The state board shall define the powers and duties of the public school district board of directors.

(iii) The public school district board of directors shall act in an advisory capacity to the commissioner regarding all other powers and duties maintained by the commissioner;

(D) Require the annexation, consolidation, or reconstitution of the public school district under § 6-13-1401 et seq. and this subchapter;

(E) Waive provisions of Title 6 and corresponding rules of the state board with the exception of:

(i) Special education programs as provided by this title;

(ii) Conducting criminal background checks for employees as provided in this title; and

(iii) Health and safety codes as established by the state board and local governmental entities;

(F) Require reassignment of some or all of the administrative, instructional, or support staff of a public school;

(G) Require a public school to institute and fully implement a student curriculum based on academic standards;

(H) Require a public school to provide professional development for teachers and administrators based on the Division of Elementary and Secondary Education's review of educators' professional growth plans with the cost to be paid by the public school district in which the public school is located;

(I) Remove one (1) or more public schools from the jurisdiction of the classified school district and establish alternative public governance and supervision of the public school;

(J) Require reorganization, closure, or dissolution of one (1) or more of the public schools within the classified district;

(K) Take any other necessary and proper action, as determined by the state board that is allowed by law; and

(L) Require a structured system of whole child supports through a community school plan, as defined by § 6-15-3002.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1308; 2021, No. 744, § 2.

Amendments. The 2019 amendment substituted "Commissioner of Elementary

and Secondary Education" for "Commissioner of Education" in (1).

The 2021 amendment added (2)(L).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Morgan Craven, Paula Johnson, & Terrence Wilson, *Eradicating the School-to-Prison*

Pipeline Through a Comprehensive Approach to School Equity, 42 U. Ark. Little Rock L. Rev. 703 (2020).

6-15-2917. Public school district under authority of State Board of Education.

(a) For a public school district under the authority of the State Board of Education, the state board shall review quarterly the progress of the public school district toward improving the issues that caused the classification of the public school district as in need of Level 5 — Intensive support.

(b) At any time during the second full school year following the assumption of authority or any time thereafter:

(1) The state board may direct the Commissioner of Elementary and Secondary Education to update the analysis of all school district systems to determine if the public school district has demonstrated substantial improvement of the issues that caused the classification of the public school district as in need of Level 5 — Intensive support;

(2) The commissioner may recommend to the state board that the state board:

(A) Take additional action concerning the public school district under § 6-15-2916; or

(B) Return the public school district to local control through the appointment or election of a board of directors; and

(3)(A) The state board may return the public school district to local control through the appointment or election of a newly elected board of directors upon the recommendation of the commissioner.

(B) The state board may limit the powers and duties of the public school district board of directors under § 6-13-620 or any other law but allow the public school district board of directors to operate under the direction and approval of the commissioner.

(C) The state board shall define the powers and duties of the public school district board of directors if the state board limits the powers and duties under subdivision (b)(3)(B) of this section.

(D) The public school district board of directors shall act in an advisory capacity to the commissioner in regards to all other powers and duties maintained by the commissioner.

(E) The state board may grant additional powers and duties to the public school district board of directors if the public school district demonstrates progress toward improving the issues that caused the classification of the public school district as in need of Level 5 — Intensive support.

(c)(1) If the public school district has not demonstrated to the state board and the Division of Elementary and Secondary Education that the public school district meets the criteria to exit Level 5 — Intensive support within five (5) years of the assumption of authority, the state board shall annex, consolidate, or reconstitute the public school district under § 6-13-1401 et seq. and this subchapter.

(2) The state board shall promulgate rules to establish the criteria by which a public school district may exit Level 5 — Intensive support.

History. Acts 2017, No. 930, § 2; 2019, No. 910, § 1309.

substituted “Division of Elementary and Secondary Education” for “Department of Education” in (c)(1).

Amendments. The 2019 amendment

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Morgan Craven, Paula Johnson, & Terrence Wilson, *Eradicating the School-to-Prison*

Pipeline Through a Comprehensive Approach to School Equity, 42 U. Ark. Little Rock L. Rev. 703 (2020).

6-15-2918. Comprehensive information systems.

(a) The Division of Elementary and Secondary Education shall:

(1) Establish and maintain comprehensive information systems that allow reporting, analysis, and data-driven decision-making by public school districts;

(2) Provide technical assistance to public school districts in the use of the data; and

(3) Provide data access to any authorized entity for analyzing computations and posting public school, public school district, and state student achievement, if the disclosures are not in conflict with applicable federal and state law.

(b) The division shall provide electronic resources for educators to support and augment student achievement, efficiency, and educational initiatives.

(c) The division may contract with providers to collect, maintain, and analyze data and prepare reports.

History. Acts 2017, No. 930, § 2; 2019, No. 910, §§ 1310, 1311.

Secondary Education” for “Department of Education” in (a); and substituted “division” for “department” in (b) and (c).

Amendments. The 2019 amendment substituted “Division of Elementary and

SUBCHAPTER 30 — COMMUNITY SCHOOLS ACT

SECTION.

6-15-3001. Title.

6-15-3002. Definitions.

6-15-3003. Assistance by Division of Elementary and Secondary Education.

Effective Dates. Acts 2021, No. 744, § 6: Apr. 19, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-19) pandemic has resulted in substantial disruption to the educational system in the state’s kindergarten through grade twelve (K-12) public schools and open-enrollment public charter schools; that amendments

to the law as provided in this act are needed to address challenges faced by Arkansas students in succeeding in school and in life; and that this act is immediately necessary to maintain the orderly operation of public schools and open-enrollment public charter schools so that students in this state continue to receive an adequate education. Therefore, an emergency is declared to exist, and this

act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of

the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-15-3001. Title.

This subchapter shall be known and may be cited as the "Community Schools Act".

History. Acts 2021, No. 744, § 1.

6-15-3002. Definitions.

As used in this subchapter:

(1)(A) "Community school" means a public school that implements a service and inclusion strategy that coordinates resources and relationships in order to accelerate equitable outcomes.

(B) Community school strategies may vary among public schools based on the needs of individual communities, but at a minimum include the following without limitation:

(i) The four (4) key pillars of an evidence-based community school approach, which include:

- (a) Integrated student supports;
- (b) Expanded and enriched learning time and opportunities;
- (c) Active family and community engagement; and
- (d) Collaborative leadership and practices that:
 - (1) Promote conditions found in high-quality schools; and
 - (2) Address out-of-school barriers to learning;

(ii) A community school coordinator at each community school site; and

(iii) A community school plan.

(C) Community school strategies require that public schools obtain consent from parents and legal guardians of public school students for services provided;

(2)(A) "Community school coordinator" means a designated site resource coordinator at a public school or local education agency who provides a variety of resources, including partnerships with community resources, and whose primary responsibilities include:

- (i) Leading needs and assets analyses;
- (ii) Facilitating development and implementation of a community school plan in collaboration with other members of school-based leadership;
- (iii) Building relationships between the school and community partners for the provision of identified supports and services; and
- (iv) Connecting public school students and families to available services and opportunities.

(B) To the extent possible, the responsibilities of a community school coordinator may be undertaken in coordination with a parent facilitator appointed under § 6-15-1702; and

(3) “Community school plan” means a plan that establishes how educators, school staff, governmental entities, and community partners will use and leverage all available assets to meet specific student and family needs in order to improve opportunities and outcomes for students.

History. Acts 2021, No. 744, § 1.

6-15-3003. Assistance by Division of Elementary and Secondary Education.

The Division of Elementary and Secondary Education may:

(1) Provide professional development programs that teach the competencies required for:

(A) Managing successful community schools and expanded learning time;

(B) Planning and implementing services and strategies in collaboration with communities; and

(C) Blending and braiding funding to support community schools;

(2)(A) Require sufficient data to:

(i) Enable oversight of community schools; and

(ii) Inform ongoing school improvement.

(B)(i) Any data required under subdivision (2)(A) of this section shall be protected by all applicable federal and state data privacy laws.

(ii) No additional data mining is permitted under this section; and

(3) Work to position community schools to become hubs for aligned and coordinated programs across state agencies.

History. Acts 2021, No. 744, § 1.

SUBCHAPTER 31 — ARKANSAS TUTORING CORPS ACT

SECTION.

6-15-3101. Title.

6-15-3102. Legislative findings.

SECTION.

6-15-3103. Definitions.

6-15-3104. Development of program.

Effective Dates. Acts 2021, No. 912, § 3: Apr. 26, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-19) pandemic has resulted in substantial disruption to the educational system in the state’s public schools and open-enrollment public charter schools; that amendments to the law as provided in this act are

needed to immediately address challenges faced by Arkansas students in succeeding in school and in life; and that this act is immediately necessary to maintain orderly operation of public schools and open-enrollment public charter schools so that students in this state continue to receive an adequate education. Therefore, an emergency is declared to exist, and this act being immediately necessary for the

preservation of public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-3101. Title.

This subchapter shall be known and may be cited as the “Arkansas Tutoring Corps Act”.

History. Acts 2021, No. 912, § 1.

6-15-3102. Legislative findings.

The General Assembly finds that:

(1) Data suggests that learning loss suffered as a result of the coronavirus 2019 (COVID-19) pandemic will be substantial, particularly for the state’s most vulnerable students, with recent studies showing that these students on average could lose five (5) to nine (9) months of learning by the end of the 2021 school year;

(2) These impacts, if not addressed, could have severe short-term and long-term social and economic implications for Arkansas families and our state as a whole;

(3) While there is an extraordinary, immediate, and widespread need to address learning loss as a result of the coronavirus 2019 (COVID-19) pandemic, there are far too many Arkansas students at risk of falling behind under ordinary circumstances;

(4) Research demonstrates that a strong predictor of higher high school dropout rates is whether or not students have been taught to read at grade level by the end of grade three (3);

(5) Research further shows that another strong predictor of higher high school dropout rates is whether or not students have been taught sufficiently such that they can pass English and math in grades six through nine (6-9);

(6) According to research, one (1) of the most effective interventions to address learning loss, especially in elementary school students, is one-to-one or small group tutoring;

(7) The coordination and implementation of a tutoring program that supports the state’s elementary and secondary students aligns with the purpose and mission of the Office of Education Renewal Zones;

(8) Such a tutoring program should address the immediate emergency as well as lay the groundwork for a long-term, sustainable strategy to improve educational outcomes for all students; and

(9) Such a tutoring program would serve as a means by which Arkansas may meet requirements of the Elementary and Secondary School Emergency Relief (ESSER) Grant Program to address learning loss and otherwise serve as a use of funding from the Governor’s

Emergency Education Relief (GEER) Fund in a manner that immediately helps students and families in greatest need.

History. Acts 2021, No. 912, § 1.

6-15-3103. Definitions.

As used in this subchapter:

- (1) "Qualified tutor" means a person who meets requirements established by the Division of Elementary and Secondary Education; and
- (2) "Qualified tutoring site" means any of the following:
 - (A) A public school or open-enrollment public charter school located within this state;
 - (B) An education service cooperative;
 - (C) An institution of higher education located within this state; or
 - (D) A community facility that meets the requirements established by the division.

History. Acts 2021, No. 912, § 1.

6-15-3104. Development of program.

- (a)(1) The Department of Education may develop a program to:
 - (A) Identify qualified tutors;
 - (B) Identify a curriculum to support children preparing to enter kindergarten through grade six (K-6) in the content areas of math and reading and ensure that the identified curriculum is aligned with Arkansas academic standards;
 - (C) Ensure training modules related to the identified curriculum are provided to qualified tutors before the qualified tutors begin tutoring;
 - (D) Ensure ongoing support is provided to qualified tutors; and
 - (E) Coordinate with Arkansas public schools and open-enrollment public charter schools to ensure tutoring is offered at qualified tutoring sites or virtually, leveraging existing digital platforms.
- (2) The program developed under subdivision (a)(1) of this section shall be designed to deploy qualified tutors in a manner that:
 - (A) Offers statewide coverage; and
 - (B) Increases opportunities for students in rural areas.
- (b) The Division of Elementary and Secondary Education may:
 - (1) Develop, in coordination with the Division of Higher Education and Arkansas institutions of higher education, incentive structures such as course credit for participating qualified tutors; and
 - (2) Develop guidelines for public schools and open-enrollment public charter schools to use funding from the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) and the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to provide compensation and stipends to qualified tutors serving their students in the near term.
- (c) The department shall promulgate rules to implement this section.

History. Acts 2021, No. 912, § 1.

CHAPTER 16

CURRICULUM

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. KINDERGARTEN GENERALLY.
3. EARLY CHILDHOOD AND ADULT EDUCATION ACT.
5. MISCELLANEOUS PROGRAMS.
6. POSTSECONDARY PREPARATORY PROGRAMS.
7. OPTIONAL SUMMER SCHOOL PROGRAMS.
8. ARKANSAS ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE DIPLOMA INCENTIVE PROGRAM ACT OF 1995.
9. EVALUATION OF INSTRUCTIONAL PROGRAMS.
10. HEALTH EDUCATION.
12. ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT.
14. DIGITAL LEARNING ACT OF 2013.
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- 6-16-104. Basic language of instruction — Definitions.
- 6-16-108. Recitation of the Pledge of Allegiance.
- 6-16-118. High school equivalency testing for adults — Fees — Definition.
- 6-16-120. Academic credit for community service.
- 6-16-121. African-American history — Teaching materials.
- 6-16-122. American heritage.
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- 6-16-126. Food handling safety — Instructional materials clearinghouse.
- 6-16-127. Arkansas Foreign Language Teacher Training Program.
- 6-16-128. Arkansas Early Grades Foreign Language Pilot Program.
- 6-16-130. Visual art or music.
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- 6-16-134. Veterans' diplomas.
- 6-16-135. Personal and family finance standards.
- 6-16-136. Statewide coordination of distance learning.
- 6-16-137. Physical education credit for physical activity courses — Definitions.
- 6-16-140. Vocational or technical course awards.
- 6-16-144. Arts-Enriched Curriculum Program.
- 6-16-145. Academic study of the Bible course.
- 6-16-149. United States citizenship civics test.
- 6-16-151. Activities — Payments prohibited — Definitions.
- 6-16-152. Computer Science Education Advancement Act of 2021.
- 6-16-153. Hunting safety course.
- 6-16-154. Holocaust education — Required — Definition.
- 6-16-155. Challenge to instructional material and associated events and activities — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by

the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should be-

come effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-102. School day — Definition.

(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, as used in this section, "school day" shall mean a day in which classes are in session and students receive at least six (6) hours of instructional time.

(B) However, "school day" for purposes of a public school district that implements an alternate school calendar under § 6-10-106(g) means a day in which classes are in session and students are under the guidance and direction of a teacher or public school employee.

(2)(A) Any day in which less than six (6) hours of instructional time are provided to students shall be counted as one-half ($\frac{1}{2}$) of a school day if at least three (3) hours of instructional time are provided to students.

(B) However, subdivision (a)(2)(A) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).

(3)(A) Any day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day.

(B) However, subdivision (a)(3)(A) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).

(4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law.

(5)(A) At least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.

(B) Recess shall:

(i) Consist of supervised, unstructured social time during which public school students may communicate with each other;

(ii) Occur outdoors when weather and other relevant conditions permit; and

(iii) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs indoors or outdoors.

(C) The remaining instructional hours required under this section shall be distributed across academic content areas as determined by a public school district's board of directors.

(D) A public school principal may use discretion to adjust recess time required under this section due to special circumstances or programs that interrupt a regular school day.

(E)(i) A public elementary school may seek a waiver from the requirements under this subdivision (a)(5) if the public elementary school:

(a) Submits to the Division of Elementary and Secondary Education for approval an alternative plan for recess that:

(1) Exceeds the required minimum amount of minutes combined for physical activity under § 6-16-132 and recess under this section; and

(2) Provides for both structured and unstructured social time; or

(b) Is approved by the division to operate as a virtual school.

(ii) Beginning with the 2019-2020 school year, the division shall provide to the House Committee on Education and the Senate Committee on Education each year for three (3) years a report that details the following:

(a) Which public elementary schools have been granted a waiver under subdivision (a)(5)(E)(i) of this section; and

(b) How many waivers have been granted by the division under subdivision (a)(5)(E)(i) of this section.

(b) Notwithstanding subsection (a) of this section, the State Board of Education shall promulgate rules to prescribe the credit to be given students for attending school for only a portion of a school day because the school is closed due to emergency circumstances which would be hazardous to the health of the students. The state board shall also identify the emergency circumstances.

(c)(1) A school district is deemed to have fulfilled the requirements of subsection (a) of this section if the planned instructional time in each school day does not average less than six (6) hours each day or thirty (30) hours each week.

(2) However, subdivision (c)(1) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).

History. Acts 1983 (1st Ex. Sess.), No. 45, § 1; 1985, No. 1015, § 1; A.S.A. 1947, § 80-1602; Acts 1999, No. 391, § 5; 2005, No. 2151, § 15; 2011, No. 989, § 22; 2019, No. 315, § 215; 2019, No. 641, § 2; 2021, No. 688, §§ 4, 5.

A.C.R.C. Notes. Acts 2019, No. 641, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Public school students need the ability to learn and grow from one another in a social setting;

"(2) Often, exchanges between public school students with respect to learning and social awareness occur during recess;

"(3) Public school students need more opportunities for physical activity during the school day in order to promote healthy and active lifestyles;

"(4) Public school students should be given a sufficient daily break in the form of recess, which would allow them to fully focus while they are in class;

"(5) Educational leaders cannot allow

for a sufficient amount of time in the school day for recess within the current construct of the instructional requirements and time allotted in a school day, which generates decreased focus in class and fewer opportunities to develop social awareness among public school students;

“(6) Due to numerous mandates, there has been a steady decline in the amount of time dedicated to recess for elementary public school students; and

“(7) To address the increased need for public school student social awareness and learning opportunities beyond the classroom, recess should be included as part of the instructional school day.”

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in the first sentence of (b).

The 2019 amendment by No. 641 added (a)(5).

The 2021 amendment added (a)(1)(B) and redesignated former (a)(1) as (a)(1)(A); added “Except as provided under subdivision (a)(1)(B) of this section” in (a)(1)(A); added (a)(2)(B) and redesignated former (a)(2) as (a)(2)(A); added (a)(3)(B) and redesignated former (a)(3) as (a)(3)(A); and added (c)(2) and redesignated former (c) as (c)(1).

6-16-104. Basic language of instruction — Definitions.

(a)(1) The basic language of instruction in the public school branches in all the public schools of the state shall be the English language only.

(2) It shall not be a violation of this section for:

(A) An educator to communicate with a student in the student’s native language in order to facilitate the student’s ability to become proficient and learn in the English language; or

(B) A public school district or an open-enrollment public charter school to adopt a bilingual program or a dual-immersion program approved by the Division of Elementary and Secondary Education.

(b) It shall be the duty of the Commissioner of Elementary and Secondary Education, the Director of the Division of Career and Technical Education, and superintendents to see that the provisions of this section are carried out.

(c) As used in this section:

(1)(A) “Bilingual program” means a program that uses two (2) languages, a student’s primary language and the English language, as a means of instruction.

(B) A bilingual program includes building upon a student’s primary language skills and develops and expands the English language skills of each student to enable him or her to achieve proficiency in both languages, while providing access to content areas; and

(2) “Dual-immersion program” means a program that develops dual language proficiency in two (2) languages by offering a student instruction in English and instruction in another language in a classroom that is usually comprised of one-half (½) native English speakers and one-half (½) native speakers of the other language.

History. Acts 1931, No. 169, § 168; Pope’s Dig., §§ 3590, 11610; A.S.A. 1947, § 80-1605; Acts 1999, No. 1323, § 18; 2005, No. 1994, § 61; 2017, No. 989, § 1; 2019, No. 692, § 4; 2019, No. 910, § 1312; 2021, No. 663, §§ 1, 2.

Amendments. The 2019 amendment by No. 692 deleted “city” preceding “superintendents” in (b).

The 2019 amendment by No. 910 substituted “Commissioner of Elementary and Secondary Education” for “Commis-

sioner of Education” and “Division of Career and Technical Education” for “Department of Career Education” in (b).

The 2021 amendment, in (a)(1), inserted “public” preceding “schools of the

state” and deleted “public and private” following “schools of the state”; redesignated former provisions of (a)(2) as (a)(2)(A), and added (a)(2)(B); and added (c).

6-16-108. Recitation of the Pledge of Allegiance.

(a) The State Board of Education shall adopt a policy to require that:

(1) Public school students in grades kindergarten through twelve (K-12) participate in a daily recitation of the Pledge of Allegiance followed by one (1) minute of silence during the first class of each school day; and

(2)(A) Kindergarten through grade twelve (K-12) public schools lead or broadcast a recitation of the Pledge of Allegiance followed by one (1) minute of silence at the commencement of each school-sanctioned after-school assembly and each school-sanctioned sporting event.

(B) However, if any part of two (2) or more school-sanctioned sporting events occurs on the same day at the same school, a public school may choose to lead or broadcast a recitation of the Pledge of Allegiance followed by one (1) minute of silence at only one (1) of the school-sanctioned sporting events.

(b) The policy required under subsection (a) of this section shall:

(1) Require that at the time designated for the recitation of the Pledge of Allegiance students shall stand and recite the Pledge of Allegiance while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform;

(2)(A) Provide that no student shall be compelled to recite the Pledge of Allegiance if the student or the student’s parent or legal guardian objects to the student’s participating in the exercise on religious, philosophical, or other grounds.

(B) Students who are exempt from reciting the Pledge of Allegiance under subdivision (b)(2)(A) of this section shall be required to remain quietly standing or sitting at their desks while others recite the Pledge of Allegiance;

(3)(A) Provide that teachers or other school staff who have religious, philosophical, or other grounds for objecting are exempt from leading or participating in the exercise.

(B) If a teacher chooses not to lead the Pledge of Allegiance, the policy shall require that another suitable person shall be designated either by the teacher or principal to lead the class;

(4) Require the school to provide appropriate accommodations for students, teachers, or other staff who are unable to comply with the procedures described in this section due to disability; and

(5)(A) Provide for the observance of one (1) minute of silence following the recitation of the Pledge of Allegiance.

(B) During the one (1) minute of silence following the recitation of the Pledge of Allegiance, each student may reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student.

(C) Each public school teacher or other public school employee in charge of students during the period in which the Pledge of Allegiance is recited and moment of silence is observed shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

History. Acts 2003, No. 1333, § 1; 2021, No. 959, § 1.

Amendments. The 2021 amendment redesignated part of (a) as (a)(1); inserted “followed by one (1) minute of silence” in

(a)(1); added (a)(2); inserted “required under subsection (a) of this section” in the introductory language of (b); and added (b)(5).

6-16-118. High school equivalency testing for adults — Fees — Definition.

(a) As used in this section, “high school equivalency test” means the General Education Development (GED) test of the GED Testing Service or another test used to assess high school core subject competencies.

(b) A high school equivalency test for adults shall be administered by the educational agencies and institutions approved by the Adult Education Section.

(c) The Career Education and Workforce Development Board may approve fees for:

- (1) Administering a high school equivalency test;
 - (2) Administering other assessments; and
 - (3) Photocopying or duplicating a transcript or diploma.
- (d) The board shall promulgate rules to implement this section.

History. Acts 1981, No. 732, § 4; A.S.A. 1947, § 80-1671; Acts 1993, No. 294, § 10; 1993, No. 1079, § 1; 1999, No. 1078, § 56; 2013, No. 1063, § 1; 2015, No. 1115, § 3; 2019, No. 910, § 138.

Amendments. The 2019 amendment substituted “Adult Education Section” for “Department of Career Education” in (b).

6-16-120. Academic credit for community service.

(a) Beginning with the 1996-1997 school year, a student who has completed a minimum of seventy-five (75) clock hours of documented community service in grades nine through twelve (9-12), as certified by the service agency or organization to the school, shall be eligible to receive one (1) academic credit that may be applied toward graduation.

(b) The community service shall be in programs or activities approved by the State Board of Education and the local school district board of directors and shall include preparation, action, and reflection components.

(c) A local school district board of directors may grant a waiver of this requirement with notice to the state board.

(d) The state board is hereby authorized to promulgate rules necessary for the implementation of this section.

History. Acts 1993, No. 648, § 1; 2019, No. 315, § 216. deleted “and regulations” following “rules” in (d).
Amendments. The 2019 amendment

6-16-121. African-American history — Teaching materials.

- (a)(1) The Commissioner of Elementary and Secondary Education shall update the materials and resources for the teaching of historical contributions made by African-Americans in the United States and in other countries before the establishment of the United States for inclusion in the appropriate curricula of all kindergarten through grade twelve (K-12) of all public schools in the State of Arkansas.
- (2) Emphasis shall be placed on the historic work of American and Arkansas civil rights leaders and events during the civil rights era, including without limitation Dr. Martin Luther King, Jr., and his pursuit of justice in civil society and John W. Walker.
- (3)(A) The requirement under this subsection shall be taught in conjunction with corresponding state and federal holidays.
- (B) Nothing in subdivision (a)(3)(A) of this section shall be construed to limit the teaching of this history only to the corresponding state and federal holidays.
- (b) The commissioner shall ensure that these materials or units are reproduced and sent to all school districts in the state.

History. Acts 1993, No. 963, § 1; 1995, No. 1296, § 19; 2017, No. 561, § 1; 2019, No. 1018, § 1; 2021, No. 259, § 1. inserted “and events during the civil rights era”.
The 2021 amendment added “and John W. Walker” in (a)(2).
Amendments. The 2019 amendment, in (a)(2), inserted “and Arkansas” and

6-16-122. American heritage.

- (a) Local school district boards of directors shall allow any teacher or administrator in a public school district of this state to read or post in a public school building or classroom, or at an event, any excerpts or portions of:
- (1) The Preamble to the Arkansas Constitution;
 - (2) The Declaration of Independence;
 - (3) The United States Constitution;
 - (4) Amendments 1-10 of the United States Constitution, known as “the Bill of Rights”;
 - (5) The Mayflower Compact;
 - (6) The national motto;
 - (7) The national anthem;
 - (8) The Pledge of Allegiance;
 - (9) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States;
 - (10) Organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and post-Federalist eras;
 - (11) United States Supreme Court decisions and records;
 - (12) Acts and published records of the United States Congress;

- (13) Thomas Paine's 1776 pamphlet entitled "Common Sense";
- (14) Executive orders of the presidents of the United States;
- (15) The Northwest Ordinance;
- (16) President George Washington's Farewell Address;
- (17) The Emancipation Proclamation;
- (18) The Gettysburg Address; and
- (19) Any other document of historical significance relating to the founding of the United States or the State of Arkansas.

(b) There shall be no content-based censorship of American history or heritage in this state based on religious or other references in these writings, documents, and records.

(c) A copy of this section shall be distributed to the superintendent of each public school district in the state by the Division of Elementary and Secondary Education, and the public school district superintendents then shall provide a copy of this section to each teacher and each public school district board member.

(d) To ensure public high school students understand the United States' representative form of limited government, the liberties secured in the Bill of Rights, federalism, and other basic principles that are essential to the stability and endurance of our constitutional republic, a public school district may:

(1) Require that public high school students demonstrate knowledge and understanding of the nation's founding and documents relevant to the nation's founding in order to receive a certificate or diploma of graduation from the public high school;

(2) Include among the requirements for graduation from a public high school in the public school district a passing grade in a course that includes without limitation primary instruction regarding:

(A) The Declaration of Independence;

(B) The United States Constitution and its amendments; and

(C) Representative readings from the Federalist Papers; and

(3) Require that a public high school teach public high school students about the nation's founding and documents relevant to the nation's founding, including without limitation:

(A) The Declaration of Independence;

(B) The United States Constitution and its amendments; and

(C) Representative readings from the Federalist Papers.

History. Acts 1995, No. 295, §§ 1, 2; 2003, No. 290, § 1; 2019, No. 852, § 1; 2019, No. 910, § 1313.

Amendments. The 2019 amendment by No. 852 inserted "at an" in the introductory language of (a); inserted (a)(4) and redesignated the remaining subdivisions accordingly; added "and records" in (a)(11); inserted "and published records" in (a)(12); added (a)(13) through (a)(19); in

(c), inserted the first and third occurrences of "public", substituted "and the public school district" for "whereupon the", and inserted the second occurrence of "of this section"; added (d); and made stylistic changes.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c).

6-16-124. Arkansas history — Required social studies course.

(a)(1) A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in this state, with greater emphasis at the fourth and fifth grade levels.

(2) At least one (1) full semester of Arkansas history shall be taught to all students at the seventh, eighth, ninth, tenth, eleventh, or twelfth grade level in every public secondary school in this state.

(b)(1) Course guidelines shall ensure that the courses represent the most accurate and historically sound account of the prehistory, history, and culture of Arkansas, including the significant contributions and achievements of all segments of the population.

(2) Any revisions in the Arkansas history course content guidelines shall be reported to the public schools and the House Committee on Education and the Senate Committee on Education no later than July 1 of the year the course guidelines are to be implemented.

(3)(A) The Division of Elementary and Secondary Education shall, in advance of the 2018-2019 school year, develop materials or units relating to Arkansas and the American Civil War.

(B) The emphasis of the curriculum under this subdivision (b)(3) shall be placed upon civilian and military leadership during the period and how the lessons of that era can inform contemporary society.

(C) The course content under this subdivision (b)(3) is not exempt from the reporting requirements under subdivision (b)(2) of this section.

History. Acts 1997, No. 787, §§ 1, 2, 5; substituted “Division of Elementary and
2007, No. 1573, § 52; 2017, No. 561, § 3; Secondary Education” for “Department of
2019, No. 910, § 1314. Education” in (b)(3)(A).
Amendments. The 2019 amendment

6-16-126. Food handling safety — Instructional materials clearinghouse.

(a) The General Assembly finds and acknowledges that food-borne illness is a growing concern throughout the United States. The General Assembly also finds that school-age children may be particularly affected by food-borne illness due to their employment in fast food restaurants and due to preparation of food at home by students who have both parents working outside of the home. The General Assembly further finds that education in food-borne illness must be strengthened in public schools to ensure the health and safety of all children.

(b)(1)(A) The Commissioner of Elementary and Secondary Education shall provide a clearinghouse for instructional materials on food handling safety.

(B) These materials shall be developmentally appropriate for students at each of the three (3) grade clusters used in the Arkansas

Health Framework: kindergarten through grade four (K-4); grades five through eight (5-8); and grades nine through twelve (9-12).

(2) The commissioner shall encourage collaborative efforts between the Division of Elementary and Secondary Education and other agencies and organizations in accessing developmentally appropriate instructional materials on food handling safety.

(3) The commissioner shall ensure that any instructional materials on food handling safety accessible to public schools through this clearinghouse shall be in alignment with the Arkansas Health Framework in dealing with health promotion and disease prevention; health information, products, and services; health behaviors and health risks; health-enhancing skills; and personal, family, and community health.

History. Acts 1997, No. 1274, §§ 1, 2; 2019, No. 910, §§ 1315, 1316.

Amendments. The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commis-

sioner of Education" in (b)(1)(A); and substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(2).

6-16-127. Arkansas Foreign Language Teacher Training Program.

(a) This section and § 6-16-128 shall be known as "The Arkansas Foreign Language Act of 1999".

(b) There is hereby created the Arkansas Foreign Language Teacher Training Program. The purpose of this program is to:

(1) Encourage undergraduate students who intend to teach in the state's public schools to pursue a foreign language degree;

(2) Encourage currently licensed foreign language teachers to pursue additional training or an advanced degree in a foreign language;

(3) Encourage licensed personnel to add foreign language to their areas of licensure; and

(4) Encourage individuals to seek licensure as a foreign language teacher in grades kindergarten through eight (K-8).

(c) The Division of Higher Education, in consultation with the Division of Elementary and Secondary Education and representatives of the state's foreign language educators, shall develop a request-for-proposals process whereby Arkansas institutions of higher education with teacher training programs may apply for funding, not to exceed three (3) years, to enhance their foreign language teacher training program.

(d)(1) The awards granted under the provisions of this section and § 6-16-128 may be funded by donations, grants, or legislative appropriation.

(2) All donations, grants, and appropriations received shall be accounted for by the Division of Higher Education.

(3) The Director of the Division of Higher Education may solicit and receive donations and grants for the purpose of making awards.

(4) The provisions of this section and § 6-16-128 shall be contingent on the appropriation and funding necessary to allow the Division of

Higher Education to carry out the duties assigned it in this section and § 6-16-128.

History. Acts 1999, No. 1573, §§ 1, 2; 2013, No. 1138, § 23; 2019, No. 910, §§ 1317, 1318.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (c); and substituted "Division of Higher Education" for "Department of Higher Education" in (c), (d)(2), (d)(3), and (d)(4).

6-16-128. Arkansas Early Grades Foreign Language Pilot Program.

(a) There is hereby created the Arkansas Early Grades Foreign Language Pilot Program. The purpose of the program is to encourage the development of new foreign language programs for students in kindergarten through grade six (K-6), with an emphasis on Spanish.

(b) The Division of Elementary and Secondary Education, in consultation with the Division of Higher Education and representatives of the state's foreign language educators, shall develop a request-for-proposals process whereby public schools serving students in kindergarten through grade six (K-6) may apply for funding, not to exceed three (3) years, to establish a foreign language training program, with an emphasis on Spanish.

(c)(1) The awards granted under the provisions of this section and § 6-16-127 may be funded by donations, grants, or legislative appropriation.

(2) The Commissioner of Elementary and Secondary Education may solicit and receive donations and grants for the purpose of making awards.

(3) All donations, grants, and appropriations received shall be accounted for by the Division of Elementary and Secondary Education.

(4) The provisions of this section and § 6-16-127 shall be contingent on the appropriation and funding necessary to allow the Division of Elementary and Secondary Education to carry out the duties assigned to it in this section and § 6-16-127.

History. Acts 1999, No. 1573, § 3; 2019, No. 910, § 1319.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b), (c)(3), and (c)(4); substi-

tuted "Division of Higher Education" for "Department of Higher Education" in (b); and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c)(2).

6-16-130. Visual art or music.

(a)(1) A public elementary school in the state shall provide instruction for at least forty (40) minutes, as determined by the superintendent of the school district, in visual art and at least forty (40) minutes, as determined by the superintendent of the school district, in music based on the state visual art and music frameworks each calendar week of the school year or an equivalent amount of time in each school year.

(2)(A) Every student in grades one through six (1-6) enrolled in a public school or an open-enrollment public charter school that is configured as an elementary school shall participate in the visual art and music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(C) A student in grades five (5) or six (6) enrolled in a public school or an open-enrollment public charter school that is not configured as an elementary school shall participate in visual arts or performing arts instruction as provided under subsection (b) of this section.

(3) The instruction required by subdivision (a)(1) of this section shall be provided by a teacher licensed to teach art or music, as applicable.

(4)(A) The Division of Elementary and Secondary Education shall provide a stipend of not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection.

(B) Subdivision (a)(4)(A) of this section shall be contingent on the appropriation and availability of funding for that purpose.

(b) A student enrolled in grade seven (7) or grade eight (8), or a student in grade six (6) enrolled in a public school or an open-enrollment public charter school that is not configured as an elementary school, shall participate in:

(1) Visual arts instruction, appreciation, and application; or

(2) Performing arts instruction, appreciation, and application.

History. Acts 2001, No. 1506, § 1; 2005, No. 245, § 1; 2013, No. 599, § 1; 2013, No. 1138, §§ 24, 25; 2015, No. 1079, § 1; 2019, No. 910, § 1320; 2021, No. 644, §§ 1, 2.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(4)(A).

The 2021 amendment inserted "enrolled in a public school or an open-enrollment public charter school that is configured as an elementary school" in (a)(2)(A); added (a)(2)(C); and inserted "or a student in grade six (6) enrolled in a public school or an open-enrollment public charter school that is not configured as an elementary school" in (b).

6-16-133. World War II veterans.

(a) In recognition of and tribute to veterans who left high school before graduation to serve in World War II, a board of directors of any school district in Arkansas may grant a diploma of graduation to any veteran meeting the requirements of subsection (c) of this section.

(b) School districts are encouraged to present the diploma in conjunction with appropriate Veterans Day programs.

(c) To be eligible for a high school diploma under this section, a veteran shall:

(1) Have been honorably discharged from the United States Armed Forces;

(2) Be a resident of the State of Arkansas; and

(3) Have served between September 16, 1940, and December 31, 1946, and:

(A) Have served a minimum of eighteen (18) consecutive months' active duty; or

(B) Have been discharged with a service-connected disability.

(d)(1) The State Board of Education shall adopt rules to implement the provisions of this section.

(2) The state board shall consult with the Department of Veterans Affairs in developing rules to implement the provisions of this section.

History. Acts 2003, No. 216, § 1; 2019, No. 315, § 217. deleted "and regulations" following "rules" in (d)(1) and (d)(2).

Amendments. The 2019 amendment

6-16-134. Veterans' diplomas.

(a) In recognition of and tribute to veterans who left high school before graduation to serve in the Korean War or the Vietnam War, a board of directors of any school district in Arkansas may grant a diploma of graduation to any veteran meeting the requirements of subsection (c) of this section.

(b) School districts are encouraged to present the diploma in conjunction with appropriate Veterans Day programs.

(c) To be eligible for a high school diploma under this section, a veteran shall:

(1) Have been honorably discharged from the United States Armed Forces;

(2) Be a resident of the State of Arkansas; and

(3) Have served a minimum of eighteen (18) consecutive months' active duty or have been discharged with a service-connected disability, if:

(A) A veteran of the Korean War who served between June 1, 1950, and January 1, 1954; or

(B) A veteran of the Vietnam War who served between July 3, 1965, and May 15, 1975.

(d)(1) The State Board of Education shall adopt rules to implement the provisions of this section.

(2) The state board shall consult with the Department of Veterans Affairs in developing rules to implement the provisions of this section.

History. Acts 2003, No. 453, § 1; 2019, No. 315, § 218. deleted "and regulations" following "rules" in (d)(1) and (d)(2).

Amendments. The 2019 amendment

6-16-135. Personal and family finance standards.

(a) The Division of Elementary and Secondary Education, in consultation with the Division of Career and Technical Education and subject to the approval of the State Board of Education, shall develop personal and family finance standards.

(b) The standards shall include the following material concerning personal and family finance:

- (1) Income, including without limitation taxes;
- (2) Money management, including without limitation:
 - (A) Household budget creation;
 - (B) Banking practices, including savings account and checking account maintenance;
 - (C) Insurance;
 - (D) Charitable giving; and
 - (E) Long-term financial planning;
- (3) Spending and credit, including without limitation:
 - (A) Basic consumer finance;
 - (B) Identity fraud and theft;
 - (C) Home ownership;
 - (D) Debt management;
 - (E) Credit management;
 - (F) Bankruptcy; and
 - (G) Consumer protection;
- (4) Saving and investing, including without limitation:
 - (A) Methods of saving;
 - (B) Methods of investing;
 - (C) Retirement planning;
 - (D) Risk and return; and
 - (E) Regulation of savings and investment; and
- (5) Preparing for employment, including without limitation:
 - (A) Decision making and employment choices;
 - (B) Job seeking skills, including resume building and interview skills;
 - (C) Understanding paychecks, including without limitation:
 - (i) I-9 forms;
 - (ii) W-4 forms; and
 - (iii) Income tax deductions;
 - (D) Employment benefits;
 - (E) Soft job skills, including without limitation:
 - (i) Communication;
 - (ii) Time management; and
 - (iii) Meeting basic employer expectations and requirements;
 - (F) The differences between salaried and hourly employment; and
 - (G) Overtime.

(c) Beginning with the entering ninth grade class of the 2017-2018 school year, each public high school student shall be required before graduation to earn a credit in a course taken in grade nine (9), grade ten (10), grade eleven (11), or grade twelve (12) that includes the personal and family finance standards under subsection (b) of this section.

History. Acts 2003 (2nd Ex. Sess.), No. 42, § 1; 2017, No. 480, § 1; 2019, No. 466, § 1; 2019, No. 910, § 1321.

Amendments. The 2019 amendment by No. 466, in (c), inserted “nine (9), grade” and added “under subsection (b) of this section”. The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of

Education” and “Division of Career and Technical Education” for “Department of Career Education” in (a).

6-16-136. Statewide coordination of distance learning.

- (a) The General Assembly finds that:
 - (1) Arkansas public schools face a serious shortage of teachers;
 - (2) Educational technology can help lift the burden of teacher shortages by making distance learning available across the state; and
 - (3) Distance learning should be available to every Arkansas student who wishes to participate.
- (b)(1)(A) The Division of Elementary and Secondary Education shall promulgate the rules necessary for efficient scheduling of courses offered by public schools through distance learning technologies.
- (B) The rules shall apply beginning for the 2004-2005 school year.
- (2) A public school that offers courses through distance learning technologies shall comply with the rules promulgated pursuant to this section.

History. Acts 2003 (2nd Ex. Sess.), No. 53, § 1; 2019, No. 910, § 1322.

substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b)(1)(A).

Amendments. The 2019 amendment

6-16-137. Physical education credit for physical activity courses — Definitions.

- (a) For the purposes of this section:
 - (1) “Content standards” means those curriculum course content standards identified and set out in the Division of Elementary and Secondary Education curriculum frameworks;
 - (2) “Curriculum frameworks” means those content-specific requirements identified and mandated pursuant to § 6-15-1501 [repealed] and § 6-15-1502 et seq. and the Standards for Accreditation of Arkansas Public Schools and School Districts;
 - (3) “Organized physical activity course” means a school course that:
 - (A) Is taught by an instructor who is licensed or qualified in physical education pursuant to the rules of the State Board of Education; and
 - (B) Involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities; and
 - (4) “Statement of assurance” means a written statement to be filed by the superintendent or chief academic officer with the Division of Elementary and Secondary Education by October 1 of each school year that ensures that the organized physical activity course is in compliance with the physical education course content standards and curriculum frameworks as required pursuant to § 6-15-1505 and subdivision (b)(2) of this section.
- (b) Beginning in the 2005-2006 school year, a student in grades nine through twelve (9-12) participating in and successfully completing an

organized physical activity course in his or her school shall be eligible to receive one-half ($\frac{1}{2}$) unit of physical education credit required for graduation if:

(1) The organized physical activity course is aligned to the division's physical education course content standards and curriculum frameworks; and

(2) The organized physical activity course is verified by the superintendent of the school district or the chief administrative officer of an open-enrollment charter school who files a written statement of assurance with the division by October 1 of the school year as required under § 6-15-1505 stating that:

(A) The instructor of the organized physical activity course is licensed or qualified in physical education pursuant to the rules of the state board;

(B) The organized physical activity course is aligned to the division's physical education course content standards and curriculum frameworks; and

(C) The organized physical activity course is subject to the provisions of § 6-18-501 et seq.

(c) A student is limited to only the one-half ($\frac{1}{2}$) unit of physical education credit for graduation for the organized physical activity course, and the student shall not be allowed any other credit toward graduation for that same course.

(d) A student must complete the entire semester and pass the physical activity course to receive the one-half ($\frac{1}{2}$) unit of physical education credit required for graduation.

(e) The organized physical activity course shall take place during the regular school day to qualify for physical education credit, except for those organized physical activity courses outside the regular school day that are listed on the school district's master schedule.

(f)(1) If it is determined by the division that any organized physical activity course allowed to be used for physical education credit by a student does not meet the division's physical education course content standards and curriculum frameworks, as required under this section, the school district or open-enrollment charter school may be cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts under The Quality Education Act of 2003, § 6-15-201 et seq.

(2) If it is determined by the division that a superintendent or chief academic officer or any other licensed personnel have knowingly provided false or misleading information in the statement of assurance required under this section, the state board may take appropriate action on the license of that individual pursuant to § 6-17-410.

(g) The division is authorized to monitor, review documentation, request information, or require additional reports from public schools, school districts, open-enrollment charter schools, or school personnel to enforce compliance with the requirements of this section.

(h) Notwithstanding the provisions of this section, it is recognized that organized physical activity courses as set forth under subsection

(b) of this section are not a requirement for an adequate education and shall not be considered a core academic requirement of the State of Arkansas or of public school districts.

(i) The state board may promulgate rules necessary to implement this section.

History. Acts 2005, No. 660, § 1; 2013, No. 1138, § 27; 2019, No. 910, §§ 1323-1326.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (a)(1); substituted "Division of Elementary and Secondary Education" for "department" in (a)(4); substituted "division" for "department" in (b)(2), (f)(1), (f)(2), and (g); and substituted "division's" for "department's" in (f)(1).

6-16-140. Vocational or technical course awards.

(a) A student who successfully completes an approved vocational or technical career pathway or program of study at a public high school shall be awarded a certificate of attainment that shall be:

(1) Aligned in the appropriate career pathway or program of study; and

(2) Used for consideration of acceptance and advanced placement into an apprenticeship training program.

(b) The Division of Career and Technical Education in cooperation with the Division of Elementary and Secondary Education shall determine and issue the appropriate award to a student upon successful completion of the vocational or technical career pathway or program of study.

(c) The Division of Career and Technical Education is authorized to promulgate rules as necessary for the implementation of this section.

History. Acts 2009, No. 1376, § 1; 2019, No. 910, § 1327.

Amendments. The 2019 amendment substituted "Division of Career and Technical Education" for "Department of Ca-

reer Education" in (b) and (c); and substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).

6-16-144. Arts-Enriched Curriculum Program.

(a) The General Assembly finds that:

(1) Integration of the arts is an effective tool to reinforce the rigor and relevance specific to the newly adopted Arkansas State Standards;

(2) Research indicates that:

(A) An arts-infused curriculum offers a powerful tool to promote student academic achievement and personal growth by motivating students who may be disaffected from the learning process; and

(B) Academic disciplines such as reading, writing, languages, social studies, science, and math are reinforced through an arts-infused curriculum;

(3) The value of infusing the arts into the core curriculum of the public schools has been supported and advanced in some Arkansas schools and in several other states; and

(4) A program that provides for the development of arts-infused pilot schools can serve an important public policy function by determining if the strategies used by the pilot schools are effective and can be successfully replicated in public schools throughout the state to enhance overall student performance.

(b) There is established the Arts-Enriched Curriculum Program, a five-year pilot program funded through grants administered by the Division of Elementary and Secondary Education to implement an arts-enriched curriculum, training, and research at fifteen (15) schools over the five-year period.

(c) The goals of the pilot program are, without limitation, to:

(1) Prepare students for educational achievement by developing imagination, reasoning, judgment, and the critical thinking skills necessary for problem-solving and decision-making through:

(A) An arts-enriched curriculum based on Arkansas State Standards that incorporates drama, dance, visual art, and writing;

(B) Interdisciplinary thematic units and cross-curricular integration;

(C) Experiential learning;

(D) Teaching methods that incorporate multiple learning pathways; and

(E) Ongoing enriched assessments that include learning, reflection, and self-assessment; and

(2) Improve the climate and infrastructure of the school through:

(A) Professional development training;

(B) Collaboration among leaders and teachers in the school; and

(C) Research and evaluation of the implementation of the pilot program in the school.

(d)(1) A school may apply to participate in the pilot program if:

(A) The school is a public elementary or secondary school; and

(B) The principal and at least eighty-five percent (85%) of the teachers agree to participate.

(2) A school shall be selected for the pilot program based on:

(A) Need and commitment of a school's faculty and staff;

(B) The size of the student body and its demographic and geographic diversity; and

(C) Available funding.

(e)(1) Pilot schools shall participate on the following schedule of professional development training:

(A) Five (5) schools shall begin three (3) years of training in the 2014-2015 school year;

(B) An additional five (5) schools shall begin three (3) years of training in the 2015-2016 school year; and

(C) An additional five (5) schools shall begin three (3) years of training in the 2016-2017 school year.

(2) For the three (3) years that a school participates, the principal and faculty at the school shall receive professional development training for integrating the arts as a medium to teach the concepts under the Arkansas State Standards as follows:

(A) In the first year of participation, training shall be provided for seven (7) days, with monthly follow-up;

(B) In the second year of participation, training shall be provided for five (5) days, with monthly follow-up; and

(C) In the third year of participation, training shall be provided for four (4) days, with monthly follow-up.

(f)(1) The grant recipient shall evaluate the effectiveness of the pilot program in each participating school by measuring:

(A) Student academic achievement;

(B) Increased student engagement;

(C) Disciplinary referral trends; and

(D) Increased student interest in school and attendance trends.

(2) The grant recipient shall provide access to the research and data to the:

(A) House Committee on Education and Senate Committee on Education through the Bureau of Legislative Research; and

(B) Division.

(3)(A) By September 1, 2020, the grant recipient shall prepare and provide a written report on the research from the pilot program to the House Committee on Education and Senate Committee on Education.

(B) The House Committee on Education or the Senate Committee on Education may request one (1) or more interim reports on the progress of the pilot program.

History. Acts 2013, No. 1108, § 1; 2019, No. 910, §§ 1328, 1329; 2021, No. 544, §§ 22-24.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b) and (f)(2)(B).

The 2021 amendment substituted "Arkansas State Standards" for "Common Core State Standards" in (a)(1), (c)(1)(A), and the introductory language of (e)(2); and substituted "incorporates" for "is infused daily with" in (c)(1)(A).

6-16-145. Academic study of the Bible course.

(a)(1) The State Board of Education shall allow for an elective academic study of the Bible course or courses that consist of a nonsectarian, nonreligious academic study of the Bible and its influence on literature, art, music, culture, and politics to be offered to students in public schools or school districts if the academic study of the Bible course meets the standards listed in this section.

(2) The curriculum standards submitted by a public school or school district for approval of an academic study of the Bible course shall meet the:

(A) Academic rigor and curriculum standards of other elective courses approved by the state board; and

(B) Requirements of the Arkansas Constitution and the United States Constitution.

(b)(1) A public school or school district that elects to offer an academic study of the Bible course shall implement the course in accordance with the Arkansas Constitution and the United States

Constitution, including the manner in which the course is taught in the classroom and the assignment of public school or school district personnel teaching the course.

(2) Personnel assigned to teach the course shall be licensed to teach in the State of Arkansas.

(3) Personnel shall not be assigned to teach the course based on any:

(A) Religious test;

(B) Profession of faith or lack of faith;

(C) Prior or present religious affiliation or lack of affiliation; or

(D) Criteria involving particular beliefs or lack of beliefs about the Bible.

(c) An academic study of the Bible course offered by a public school or school district shall:

(1) Be taught in an objective and nondevotional manner with no attempt made to indoctrinate students as to either the truth or falsity of the biblical materials or texts from other religious or cultural traditions;

(2) Not include teaching of religious doctrine or sectarian interpretation of the Bible or of texts from other religious or cultural traditions; and

(3) Not disparage or encourage a commitment to a set of religious beliefs.

(d) A public school or school district that elects to offer an academic study of the Bible course shall use only the standards in this section to:

(1) Evaluate textbooks for an academic study of the Bible course; and

(2) Teach an academic study of the Bible course.

(e) The Division of Elementary and Secondary Education shall, by the 2019-2020 school year, identify, develop, and approve a Bible course for high school credit that meets the requirements in subsections (a)-(c) of this section.

History. Acts 2013, No. 1440, § 1; 2019, No. 1016, § 1. **Amendments.** The 2019 amendment substituted "public schools or school districts" for "public school districts" in (a)(1) and made similar changes throughout the section; and added (e).

Amendments. The 2019 amendment substituted "public schools or school districts" for "public school districts" in (a)(1) and made similar changes throughout the section; and added (e).

6-16-149. United States citizenship civics test.

(a)(1) Beginning in the 2018-2019 school year, in order to receive a high school diploma from a public school or a high school equivalency diploma from a state entity, a student shall:

(A) Take a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and

(B) Correctly answer at least sixty percent (60%) of the test questions.

(2) A student may retake the test as many times as necessary to achieve a passing score.

(b) The State Board of Education shall determine the method and manner by which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.

(c) The requirement under subsection (a) of this section shall not apply to a student who:

(1) Is exempted in accordance with the student's individualized education program;

(2) Attends school in the Arkansas Correctional School District under § 12-29-301 et seq.; or

(3) Is over eighteen (18) years of age and seeking a high school equivalency diploma.

History. Acts 2017, No. 478, § 1; 2021, No. 493, § 1; 2021, No. 730, § 1.

Amendments. The 2021 amendment by No. 493 substituted "Arkansas Correctional School District" for "Corrections School System" in (c)(2).

The 2021 amendment by No. 730 substituted "sixty percent (60%) of the test questions" for "sixty (60) of the one hundred (100) test questions" in (a)(1)(B).

6-16-151. Activities — Payments prohibited — Definitions.

(a) As used throughout Title 6, unless otherwise provided:

(1) "Extracurricular activity" means an intraschool activity not included in a regular curriculum, including without limitation sports and special interest clubs or groups;

(2) "Interscholastic activity" means an interschool activity not included in a regular curriculum, including without limitation sports and special interest clubs or groups that are subject to regulations of the Arkansas Activities Association; and

(3) "Organized physical activity course" means a school course that:

(A) Is taught by an instructor who is licensed or qualified in physical education under State Board of Education rules; and

(B) Involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities.

(b) A public school student who participates in an extracurricular activity, interscholastic activity, or organized physical activity shall not be required to pay for individual or group instruction in order to participate in the extracurricular activity, interscholastic activity, or organized physical activity.

History. Acts 2019, No. 847, § 1.

6-16-152. Computer Science Education Advancement Act of 2021.

(a) This section shall be known and may be cited as the "Computer Science Education Advancement Act of 2021".

(b)(1) Beginning with the entering ninth grade class of 2022-2023, a public high school student shall be required to earn one (1) unit of credit in a Department of Education-approved high school computer science course before the student graduates.

(2) The one (1) unit required in subdivision (b)(1) of this section may be earned in grades eight through twelve (8-12).

(3) A computer science course offered by a public high school shall:

(A) Be of high quality;

(B) Meet or exceed the curriculum standards and requirements established by the State Board of Education; and

(C) Be made available in a traditional classroom setting, a blended learning environment, an online-based or other technology-based format that is tailored to meet the needs of each participating student.

(c)(1) The department shall designate at least four (4) state board-approved computer science courses that students in grade eight (8) may take for high school credit.

(2) If a student in grade eight (8) wishes to take a course not designated, a school district must comply with any existing course approval requirements.

(d) Beginning in August 2022, the department shall make available to all public schools high-quality digital content aligned to state board-approved computer science courses.

(e)(1) Beginning with the 2023-2024 school year, a public school district shall employ a computer science teacher at each high school in the public school district.

(2) A computer science teacher employed in accordance with subdivision (e)(1) of this section shall hold a license approved by the state board.

(f) The state board may adopt rules to administer this section, including rules for flexible options to license computer science teachers, which may include without limitation, approval codes, technical permits, ancillary licenses, and standard licenses.

History. Acts 2021, No. 414, § 1.

6-16-153. Hunting safety course.

(a) A public school or public school district may offer to its public school students in grades five through twelve (5-12) a hunting safety course as part of the public school's or public school district's physical education and health and safety curriculum.

(b) A hunting safety course offered as part of the physical education and health and safety curriculum by a public school or public school district shall:

(1) Be based on the hunter training and safety program offered by the Arkansas State Game and Fish Commission under § 15-43-238; and

(2) Be taught by an individual who meets the qualifications the commission requires individuals to meet in order to teach a hunting training and safety program offered by the commission.

(c)(1) A public school or public school district that offers a hunting safety course under this section may use an operable firearm as part of the hunting safety course.

(2) A "firearm" under subdivision (c)(1) of this section means the same as defined in § 5-1-102.

(d) The Division of Elementary and Secondary Education shall provide a list of source materials available for public schools and public school districts to use to teach a hunting safety course under this section, which may include without limitation the following topics:

- (1) Firearm safety;
- (2) The proper handling of a firearm;
- (3) Hunting techniques; and
- (4) Wildlife conservation.

History. Acts 2021, No. 536, § 1.

6-16-154. Holocaust education — Required — Definition.

(a) Beginning in the 2022-2023 school year, Holocaust education shall be taught in all public schools in a manner that:

(1) Generates an understanding of the causes, course, and effects of the Holocaust;

(2) Develops dialogue with students on the ramifications of bullying, bigotry, stereotyping, and discrimination; and

(3) Encourages tolerance of diversity and reverence for human dignity for all citizens in a pluralistic society.

(b) The State Board of Education, in consultation with local, state-wide, and national experts in Holocaust education, shall develop and distribute curricula, standards, materials, and units relating to Holocaust education for grade-appropriate grades five through twelve (5-12) instruction in all public schools.

(c) As used in this section, "Holocaust" means the systematic, state-sponsored persecution and attempted annihilation of Jews and other groups by the Nazi regime in Germany between 1933 and 1945, which resulted in the murder of approximately six million (6,000,000) Jews and five million (5,000,000) other individuals.

History. Acts 2021, No. 611, § 1.

6-16-155. Challenge to instructional material and associated events and activities — Definitions.

(a) The General Assembly finds that:

(1) The proper means through which parents and legal guardians may influence curriculum, instructional materials, and the events and activities supplemental to instruction is with a public school district administration and local public school district board of directors; and

(2) Under § 6-13-620(8), each public school district board of directors has the power, and is required, to approve the selection of curriculum and ensure that public school students are offered and taught the courses of study and educational content required by the State Board of Education.

(b) Each public school district shall develop and adopt policies, in consultation with parents and legal guardians, regarding:

(1) The right of a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to a student to inspect, upon request, any instructional material used as part of the educational curriculum for a public school student; and

(2) A procedure for granting a person under subdivision (b)(1) of this section:

(A) Reasonable access to instructional material within a reasonable period of time after a public school district receives a request to inspect instructional material; and

(B) The opportunity to challenge or express concerns about:

(i) Instructional material; and

(ii) Events and activities associated with classroom instruction.

(c)(1) The procedure established under subdivision (b)(2) of this section shall provide an opportunity to appeal the appropriateness of instructional material and events and activities associated with classroom instruction to public school district officials, which shall include without limitation the public school:

(A) Principal;

(B) District superintendent; and

(C) District board of directors.

(2) However, the public school district board of directors shall make a final determination of an appeal made under subdivision (c)(1) of this section, which shall include the decision whether to:

(A) Retain the challenged instructional material in whole or in part, limit the availability of the challenged instructional material, or remove the challenged instructional material from the public school; or

(B) Maintain, modify, or cancel a challenged classroom event or activity associated with classroom instruction.

(3) The primary consideration for determining the appropriateness of instructional material or an event or activity associated with classroom instruction is whether the instructional material or event or activity associated with classroom instruction is:

(A) Misleading;

(B) Factually inaccurate; or

(C) Otherwise inappropriate for the intended educational use.

(d) As used in this section:

(1) "Curriculum" means:

(A) Sequences of public school student learning expectations, pacing, materials, and resources that are used to teach the Arkansas academic standards; and

(B) Processes for evaluating mastery of the Arkansas academic standards at particular points in time throughout the kindergarten through grade twelve (K-12) educational program; and

(2)(A) "Instructional material" means instructional content that is provided to a public school student, regardless of its format, that includes without limitation printed or representational materials, audio-visual materials, and materials in electronic or digital format, such as materials accessible through the internet.

(B) "Instructional material" does not include academic tests or academic assessments.

(e) The rights provided under this section transfer to a public school student when he or she attains eighteen (18) years of age.

History. Acts 2021, No. 684, § 1.

SUBCHAPTER 2 — KINDERGARTEN GENERALLY

SECTION.

6-16-203. Readiness testing.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-203. Readiness testing.

(a) The Division of Elementary and Secondary Education shall develop guidelines for school districts to perform readiness testing for children who are entering kindergarten.

(b)(1) After the division develops guidelines under subsection (a) of this section, each school district in the state shall conduct individual readiness testing on each child entering kindergarten and provide the results of the testing to the child's parents in a timely manner before the child's first day of school.

(2) The results of the testing that are provided to parents shall indicate in clear, understandable terminology the child's readiness for entering kindergarten.

History. Acts 2001, No. 1552, § 1; 2019, No. 910, § 1330.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); and substituted “division” for “department” in (b)(1).

SUBCHAPTER 3 — EARLY CHILDHOOD AND ADULT EDUCATION ACT

SECTION.	SECTION.
6-16-302. Administration of federal funds.	6-16-310. Early childhood and kindergarten programs — Approval and funding generally.
6-16-305. Funds for research and demonstration centers — Consultative services.	6-16-313. Early childhood and kindergarten programs — Minimum standards.
6-16-306. Vocational-technical high schools.	

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-16-302. Administration of federal funds.

- (a) The State Board of Education or the Career Education and Workforce Development Board is designated as the state agency or authority to receive and administer all available federal funds or those funds which may hereafter become available for early childhood education or adult education of less than college grade.
- (b) This provision shall be applicable except in instances in which the United States Congress specifically provides for some other state agency, institution, or state official to receive and administer specific federal grants in these areas.
- (c) The state agency or authority shall disburse any and all federal funds in accordance with federal and state statutes and any implementing federal regulations or state rules pertaining thereto.

History. Acts 1969, No. 63, § 4; A.S.A. 1947, § 80-1647; Acts 2019, No. 315, § 219.

Amendments. The 2019 amendment substituted “federal regulations or state rules” for “regulations” in (c).

6-16-305. Funds for research and demonstration centers — Consultative services.

(a) Irrespective of any language in this subchapter, nothing prohibits the General Assembly from providing funds to establish centers for research or demonstration purposes in order to provide state-level leadership in early childhood education.

(b) In such instances, however, the funds shall be appropriated for the use of the State Board of Education and shall be subject to cooperative agreements in writing between the Division of Elementary and Secondary Education and the sponsoring teacher training institutions or school districts.

(c) Available funds may be used by the division for the purpose of securing consultative services.

(d)(1) In that eventuality, the division shall certify that the expenditures are reasonable and are within customary amounts paid for the services.

(2) An annual report of the expenditures shall be filed with the Department of Finance and Administration, the Legislative Council, and the Legislative Joint Auditing Committee.

(e) Moreover, full-time state employees shall not be reimbursed for consultative services but may be reimbursed for expenses incurred in participating in these programs in instances where their services have been authorized by the Commissioner of Elementary and Secondary Education or the Director of the Division of Career and Technical Education.

History. Acts 1969, No. 63, § 8; A.S.A. 1947, § 80-1651; Acts 2009, No. 376, § 21; 2019, No. 910, § 1331.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

Education” in (b), (c), and (d)(1); and, in (e), substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” and “Division of Career and Technical Education” for “Department of Career Education”.

6-16-306. Vocational-technical high schools.

(a) Nothing in this subchapter shall be construed as prohibiting a school district from operating a designated, approved area vocational-technical high school in keeping with federal or state legislation and Career Education and Workforce Development Board rules pertaining thereto.

(b) Enrollments in area vocational-technical high schools include domiciliary residents and residents from outside the school district.

(c) Enrollments in such institutions may include students twenty-one (21) years of age or younger and students twenty-one (21) years of age or older.

(d) The provision found in § 6-16-308 prohibiting students who have attained the age of twenty-one (21) from attending the public schools from kindergarten through grade twelve (K-12) shall not be applicable with reference to the area vocational-technical high school.

History. Acts 1969, No. 63, § 12; A.S.A. 1947, § 80-1655; Acts 2009, No. 376, § 22; 2019, No. 315, § 220.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (a).

6-16-310. Early childhood and kindergarten programs — Approval and funding generally.

(a) The expenditure of state or local tax funds, except as provided in § 6-16-305, shall be limited to program applications approved by the Division of Elementary and Secondary Education for children five (5) years of age as defined elsewhere in this subchapter.

(b) Programs in early childhood education sponsored as a leadership function, including expenditures in keeping with § 6-16-305, shall be approved by the division.

(c) All kindergarten programs financed from tax sources must be approved by the division.

History. Acts 1969, No. 63, § 7; A.S.A. 1947, § 80-1650; Acts 2019, No. 910, § 1332.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a).

6-16-313. Early childhood and kindergarten programs — Minimum standards.

(a) The State Board of Education shall promulgate and adopt such rules as it deems appropriate providing minimum standards, including program standards and teacher licensure standards, for the conduct of public school kindergarten programs.

(b) Program standards shall include, but shall not necessarily be restricted to, facilities, staffing, articulation with the elementary program other than the kindergarten, and finance.

(c) Parental participation in program planning, development, and evaluation shall be encouraged.

History. Acts 1969, No. 63, § 9; A.S.A. 1947, § 80-1652; Acts 1997, No. 1132, § 35; 2013, No. 1138, § 28; 2019, No. 315, § 221.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (a).

SUBCHAPTER 5 — MISCELLANEOUS PROGRAMS

SECTION.

6-16-501. Organ donor awareness education.

SECTION.

6-16-508. Accessible parking for persons with disabilities.

6-16-501. Organ donor awareness education.

(a) After receiving approval of materials from the Commissioner of Elementary and Secondary Education and the Secretary of the Department of Health, the Arkansas Regional Organ Recovery Agency, Inc.,

may provide educational and instructional materials regarding organ and tissue donation to school districts for use in the classroom.

(b)(1) Driver education courses and high school health classes shall include information or instructional materials regarding organ and tissue donation.

(2) Inclusion of organ donor educational information or instructional materials is mandated beginning with the 2004-2005 school fiscal year.

History. Acts 2003, No. 546, § 1; 2021, No. 544, § 25.

Amendments. The 2021 amendment, in (a), substituted “Commissioner of El-

ementary and Secondary Education” for “Commissioner of Education” and “Secretary of the Department of Health” for “Director of the Department of Health”.

6-16-508. Accessible parking for persons with disabilities.

(a) After receiving approval of materials from the Commissioner of Elementary and Secondary Education and the Secretary of the Department of Health, the Governor’s Commission on People with Disabilities may provide educational and instructional materials regarding accessible parking for persons with disabilities to school districts for use in the classroom.

(b) Driver education courses and high school health classes shall include information or instructional materials regarding accessibility issues for persons with disabilities.

(c) Inclusion of educational information or instructional materials under this section is mandated beginning with the 2008-2009 school fiscal year.

History. Acts 2007, No. 753, § 7; 2021, No. 544, § 26.

Amendments. The 2021 amendment, in (a), substituted “Commissioner of El-

ementary and Secondary Education” for “Commissioner of Education” and “Secretary of the Department of Health” for “Director of the Department of Health”.

SUBCHAPTER 6 — POSTSECONDARY PREPARATORY PROGRAMS

SECTION.	SECTION.
6-16-601. Authority — Definitions.	6-16-604. Student enrollment.
6-16-602. Programs generally.	6-16-605. Testing — Acceptance of test scores.
6-16-603. Local programs mandated — Placement test.	

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through

6343 of this act being necessary for the and safety shall become effective on July preservation of the public peace, health, 1, 2019.”

6-16-601. Authority — Definitions.

(a) As used in this subchapter:

(1) “College and career readiness assessment” means a set of criterion-referenced measurements of a student’s acquisition of the knowledge and skills the student needs to be successful in future endeavors, including:

(A) Successfully completing credit-bearing, first-year courses at a postsecondary institution; and

(B) Embarking on a chosen career;

(2)(A) “College and career readiness benchmark” means the minimum score on a college and career readiness assessment in mathematics or English language arts.

(B) College and career readiness benchmarks are determined by the Arkansas Higher Education Coordinating Board and the State Board of Education;

(3) “Eligible student” means a public school student in Arkansas who:

(A) Is enrolled in any of grades eight through eleven (8-11);

(B) Is identified through a college and career readiness assessment as scoring below the college and career readiness benchmark in mathematics or English language arts;

(C) Has received the counseling required under § 6-16-602; and

(D) Desires to enroll in postsecondary education;

(4) “Placement test” means a test for entrance to postsecondary education that is either:

(A) Approved by the State Board of Education; or

(B) Designated by the Division of Higher Education; and

(5) “Postsecondary preparatory program” means an intensive program approved under this subchapter that is focused on preparing students for entry level postsecondary work in the areas of mathematics, English, and reading based on identified needs for college enrollment and placement.

(b)(1) The State Board of Education shall promulgate rules under which the following may operate postsecondary preparatory programs in Arkansas:

(A) School districts;

(B) Institutions of higher education; or

(C) A partnership of a school district and an institution of higher education.

(2) The rules shall include without limitation:

(A) The number and location of sites for postsecondary preparatory programs, if necessary;

(B) The minimum and maximum class sizes for postsecondary preparatory programs;

(C) That a school district may use Enhanced Student Achievement Funding received under § 6-20-2305 to operate and support a postsecondary preparatory program; and

(D) The forms and procedures necessary to implement this subchapter.

(c) The Division of Elementary and Secondary Education shall:

(1) Approve content guides for postsecondary preparatory programs with assistance from the Division of Higher Education; and

(2)(A) Approve or disapprove the annual application of a postsecondary preparatory program after:

(i) Reviewing evidence of the postsecondary preparatory program's performance and success; and

(ii) Giving priority for approval and funding to a postsecondary preparatory program operated by a partnership between a school district and an institution of higher education.

(B) The Division of Elementary and Secondary Education shall not approve an application under this subdivision (c)(2) unless the postsecondary preparatory program meets the criteria under this subchapter and established by State Board of Education rules.

(d)(1) In collaboration with the Division of Higher Education, the Division of Elementary and Secondary Education shall collect and analyze the following data from postsecondary preparatory programs:

(A) The total number of participants;

(B) The number of participants who were eligible for free and reduced-price meals under the National School Lunch Act;

(C) The total number of participants in each curriculum area identified in § 6-16-602;

(D) The progress of participants monitored in the postsecondary preparatory program through the use of college and career readiness assessments;

(E) The placement test scores of participants;

(F) The number of participants who enrolled in postsecondary preparatory programs in Arkansas and who:

(i) Scored lower than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement; or

(ii) Scored at or higher than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement;

(G) The number and type of postsecondary preparatory programs approved;

(H) The school operating the postsecondary preparatory programs approved; and

(I) The amount of funding the Division of Elementary and Secondary Education distributed to each postsecondary preparatory program.

(2) The Division of Elementary and Secondary Education shall:

(A) Store the student data collected under this subsection in the Arkansas Public School Computer Network;

(B) Present the data analysis under this subsection in the annual school performance reports as required under § 6-15-1402; and

(C) Annually release to the General Assembly the data collected under this subsection after removing any personally identifiable student information.

History. Acts 1989, No. 11, § 1; 2011, No. 879, § 2; 2013, No. 1081, §§ 15, 16; 2019, No. 910, §§ 1333-1337.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" and "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

6-16-602. Programs generally.

(a) The postsecondary preparatory programs established under authority of this subchapter shall:

(1) Provide advice that will better prepare eligible students for entry-level postsecondary work in the areas of mathematics, English, and reading;

(2) Improve diagnostic efforts, counseling, placement, and instruction for eligible students;

(3)(A) Provide intensive remedial instruction to eligible students enrolled in the postsecondary preparatory program in one (1) or more of the following curriculum areas:

(i) Mathematics;

(ii) English; or

(iii) Reading.

(B) Each curriculum area shall consist of twenty-five (25) hours or more of instruction;

(4)(A) Use instructors with appropriate content knowledge and specialized training developed by the Division of Elementary and Secondary Education for instructors of developmental education.

(B) A postsecondary preparatory program may use an instructor who does not hold an Arkansas teaching license if the nonlicensed instructor works together with an instructor who holds a current Arkansas teaching license;

(5) Effectively use college and career readiness assessments to monitor the progress of participants in the postsecondary preparatory program;

(6) Use innovative teaching and learning strategies that are designed to be effective with participants in the postsecondary preparatory program;

(7) Document evidence of the postsecondary preparatory program's success and the performance of its participants; and

(8) Meet other requirements established by rule.

(b) A postsecondary preparatory program shall not receive funding under this subchapter unless the postsecondary preparatory program files an annual application with the Division of Elementary and Secondary Education and the application is approved under § 6-16-601.

(c) A postsecondary preparatory program may be open for attendance:

- (1) On one (1) or more days from Monday through Saturday; and
- (2) During any hours that participants are not required to attend public school.

History. Acts 1989, No. 11, §§ 2, 4; 2011, No. 879, § 2; 2013, No. 1081, § 17; 2019, No. 692, § 5; 2019, No. 910, §§ 1338, 1339.

Amendments. The 2019 amendment by No. 692 substituted “the postsecondary preparatory program’s success and the performance” for “its performance and the success” in (a)(7).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” (a)(4)(A); and substituted “Division of Elementary and Secondary Education” for “department” in (b).

6-16-603. Local programs mandated — Placement test.

(a) Every public school in Arkansas shall:

(1) Identify eligible students under this subchapter using the results from college and career readiness assessments under the Arkansas College and Career Readiness Planning Program, § 6-15-441 [repealed]; and

(2)(A) Provide the counseling required under subsection (b) of this section.

(B) The public school shall make every reasonable effort to involve parents or guardians in student counseling and placement of students.

(b) A public school counselor serving students in any of grades eight through eleven (8-11) shall:

(1) Counsel and strongly encourage each student enrolled in grades eight through eleven (8-11) who is identified through college and career readiness assessments as not meeting the college and career readiness benchmarks in mathematics or English language arts to enroll in a postsecondary preparatory program if a program is available to the student;

(2) Advise each public school student enrolled in grade eleven (11) in Arkansas that the student may take a placement test under § 6-16-605; and

(3) Counsel and strongly encourage each student who takes a placement test under § 6-16-605 and scores below the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for mathematics or English language arts to enroll during the student’s senior year of high school in regular school instructional courses designated by:

(A) Local school officials to assist in the improvement of the student’s scores in the areas of deficiency; and

(B) The Division of Elementary and Secondary Education and the Division of Higher Education as appropriate courses for college and career readiness.

History. Acts 1989, No. 11, § 3; 1989, No. 659, § 1; 1991, No. 650, § 1; 2011, No. 879, § 2; 2013, No. 1073, § 19; 2013, No. 1081, § 18; 2019, No. 910, § 1340.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" and "Division of Higher Education" for "Department of Higher Education" in (b)(3)(B).

6-16-604. Student enrollment.

(a)(1) An eligible student may enroll in a postsecondary preparatory program during:

(A) A school year;

(B) The summer months following a school year in which the student is enrolled in any of grades eight through eleven (8-11) in an Arkansas public school; or

(C) Both of the periods described in subdivisions (a)(1)(A) and (B) of this section.

(2) An eligible student shall receive priority for enrollment in a postsecondary preparatory program if the eligible student qualifies for free and reduced price meals under the National School Lunch Act, 42 U.S.C. § 1751 et seq.

(3) If space and funding are available after all eligible students who applied to attend a postsecondary preparatory program are enrolled, the Division of Elementary and Secondary Education may permit a public school student to enroll in a postsecondary preparatory program if the student:

(A) Scores below college and career readiness benchmarks on a college and career readiness assessment or placement test; and

(B) Either:

(i) Is enrolled in grade twelve (12) in Arkansas; or

(ii) Will enroll in the postsecondary preparatory program within three (3) months of graduating from an Arkansas high school.

(b) An eligible student may enroll in one (1) or more of the curriculum areas in which the eligible student has scored below the college and career readiness benchmark as identified by college and career readiness assessments.

(c) The opportunity to participate in a postsecondary preparatory program under this subchapter shall not be interpreted as mandating the division to fund postsecondary preparatory programs at a cost in excess of the funds appropriated and funded in the Public School Fund for this purpose.

History. Acts 1989, No. 11, §§ 3, 4; 1989, No. 659, § 1; 1991, No. 650, §§ 2, 3; 2007, No. 1573, § 56; 2009, No. 1469, § 6; 2011, No. 879, § 2; 2011, No. 989, § 23; 2013, No. 1081, §§ 19, 20; 2019, No. 910, §§ 1341, 1342.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (a)(3); and substituted "Division of Elementary and Secondary Education" for "department" in (c).

6-16-605. Testing — Acceptance of test scores.

(a) A student may take a placement test at no cost to the student at the date, time, and location set by the State Board of Education if the student:

(1) Is enrolled in grade eight (8) or grade (10) in a public school of Arkansas; or

(2) Completes a postsecondary preparatory program successfully and in the student’s senior year of high school enrolls in a mathematics or English language arts course that is designated by the Division of Elementary and Secondary Education and the Division of Higher Education as an appropriate course for college and career readiness.

(b) At the request of a student, the student’s score on a placement test taken under authority of this subchapter will be made available to and will be accepted by and recognized toward meeting enrollment requirements of state-supported colleges, universities, and postsecondary vocational schools in Arkansas.

History. Acts 1989, No. 11, § 5; 2011, No. 879, § 2; 2013, No. 1081, § 21; 2019, No. 910, § 1343.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” and “Division of Higher Education” for “Department of Higher Education” in (a)(2).

SUBCHAPTER 7 — OPTIONAL SUMMER SCHOOL PROGRAMS

SECTION.

6-16-704. School-year remediation program.

SECTION.

6-16-705. Summer school remediation program.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-16-704. School-year remediation program.

Those schools electing not to offer a summer school program shall offer a Division of Elementary and Secondary Education-approved remediation program during the regular school year to students in kindergarten through grade three (K-3) not performing at grade level.

History. Acts 1999, No. 855, § 2; 2019, No. 910, § 1344.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education-approved” for “Department of Education-approved”.

6-16-705. Summer school remediation program.

Students in kindergarten through grade three (K-3) not performing at grade level during the regular school year shall participate in a Division of Elementary and Secondary Education-approved remediation program or a summer school remediation program to be eligible for promotion to the next grade.

History. Acts 1999, No. 855, § 2; 2019, No. 910, § 1345.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education-approved” for “Department of Education-approved”.

SUBCHAPTER 8 — ARKANSAS ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE DIPLOMA INCENTIVE PROGRAM ACT OF 1995

SECTION.
6-16-803. Definitions.
6-16-804. Established — Subsidies — Rules.

SECTION.
6-16-805. Funding.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-16-803. Definitions.

- As used in this subchapter:
- (1) “Advanced placement course” means a high school level preparatory course for a college advanced placement test that incorporates all topics specified by the College Board and Educational Testing Service on its standard syllabus for a given subject area and is approved by the College Board and Educational Testing Service;

(2) “College advanced placement test” means the advanced placement test administered by the College Board and Educational Testing Service;

(3) “College Board” means the College Board and Educational Testing Service;

(4) [Repealed.]

(5) [Repealed.]

(6) “International Baccalaureate Diploma Programme” means an international education program offered by the International Baccalaureate;

(7) “Preadvanced placement course” means a middle school, junior high school, or high school level course that specifically prepares students to enroll and participate in an advanced placement course;

(8) “Program” means the Arkansas Advanced Placement program and International Baccalaureate Diploma Incentive Program; and

(9) “State board” means the State Board of Education.

History. Acts 1995, No. 881, § 3; 1997, No. 929, § 2; 2005, No. 2152, § 3; 2019, No. 692, § 6; 2019, No. 910, § 1346.

Amendments. The 2019 amendment by No. 692, in (8), inserted the first occur-

rence of “program” and made a stylistic change.

The 2019 amendment by No. 910 repealed (4) and (5).

6-16-804. Established — Subsidies — Rules.

(a) The Arkansas Advanced Placement and International Baccalaureate Diploma Incentive Program is hereby established, to be administered by the Commissioner of Elementary and Secondary Education.

(b) Contingent upon legislative appropriations and based on criteria established by the Division of Elementary and Secondary Education, schools participating in the program may be awarded a one-time equipment and instructional materials grant for providing an advanced placement course or a course offered under the International Baccalaureate Diploma Programme.

(c) Subject to legislative appropriations, a teacher participating in the advanced placement program, in the International Baccalaureate Diploma Programme, or in the preadvanced placement program may be awarded subsidized teacher training for advanced placement courses at a cost not to exceed six hundred fifty dollars (\$650) per teacher.

(d)(1) Contingent upon legislative appropriation and the availability of funding, the state may pay in full, or on a pro rata basis as determined under subdivision (d)(2) of this section, the cost of the advanced placement test fee or the equivalent test fee under the International Baccalaureate Diploma Programme, or both.

(2) The State Board of Education may create a sliding scale based on family income.

(e) The state board is authorized to promulgate rules necessary to implement this subchapter.

History. Acts 1995, No. 881, § 4; 1997, No. 929, § 3; 2001, No. 146, § 1; 2005, No. 2131, § 27; 2005, No. 2152, § 3; 2019, No. 315, § 222; 2019, No. 910, § 1347.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (e).

The 2019 amendment by No. 910 substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (a); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b).

6-16-805. Funding.

(a) The awards granted under the provisions of this subchapter for both advanced placement and the International Baccalaureate Diploma Programme may be funded by donations, grants, or legislative appropriation.

(b) All donations, grants, and appropriations received shall be accounted for by the Division of Elementary and Secondary Education.

(c) The Commissioner of Elementary and Secondary Education may solicit and receive donations and grants for the purpose of making awards.

History. Acts 1995, No. 881, § 5; 2005, No. 2152, § 3; 2019, No. 910, § 1348.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of

Education" in (b); and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c).

SUBCHAPTER 9 — EVALUATION OF INSTRUCTIONAL PROGRAMS**SECTION.**

6-16-901. Legislative findings — Procedures.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-901. Legislative findings — Procedures.

(a) The General Assembly finds and acknowledges that a system of evaluation is needed to justify expenditure of state resources on effective instructional programs and to eliminate state funding of ineffective instructional programs. The General Assembly further finds that an evaluation system to examine instructional programs administered by the Division of Elementary and Secondary Education must be implemented by the Commissioner of Elementary and Secondary Education in order to make a recommendation regarding continuation or termination of any mandated instructional program administered by the division.

(b)(1) Beginning in 1997-1998 and each year thereafter, the program performance audit of these instructional programs enacted by the General Assembly shall determine whether the continuation of these instructional programs is justified.

(2) Each instructional program administered by the division shall be formally reviewed by a program performance audit every four (4) years to evaluate purposes, activities, duties, accomplishments, and resources required to implement the program.

(3) Upon completion of the program performance audits, the commissioner shall make a recommendation to the General Assembly regarding the continuation or termination of any program enacted by legislative action.

(4) The program performance audit shall include:

(A) The extent to which the instructional program has served the original purpose of the legislation;

(B) The extent to which the instructional program has complied with all laws, rules, and regulations defining its powers and duties;

(C) The extent to which operations of the instructional program have been impeded or enhanced by available resources;

(D) Any formal critique filed regarding the instructional program;

(E) Recognition by professional organizations regarding the effectiveness of the instructional program;

(F) A statistical analysis of the instructional program regarding the populations served, the costs of the program, staff requirements, and improved student achievement; and

(G) Justification for the continued existence or termination of the instructional program.

(5) A written evaluation report on each mandated instructional program, which includes the formal recommendation, will be provided to the General Assembly.

History. Acts 1997, No. 1160, §§ 1, 2; 2019, No. 910, §§ 1349, 1350.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of

Education” and “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (a); and substituted “division” for “department” in (a) and (b)(2).

SUBCHAPTER 10 — HEALTH EDUCATION

SECTION.

- 6-16-1004. Dating violence awareness.
- 6-16-1005. Licensed Practical Nurse Pathway Pilot Program.

SECTION.

- 6-16-1006. Parental notice and consent — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 757, § 2: Apr. 19, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the ongoing public health emergency has increased the strain on the state's public health

system; that the shortage of nurses in the state has been emphasized by the ongoing public health emergency; and that this act is immediately necessary in order to create accelerated and streamlined opportunities by which young people can obtain licensed practical nursing degrees and enter the workforce earlier. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-16-1004. Dating violence awareness.

(a) Annually, in either the month of October for a one-semester course taught in the fall or the month of February for a one-semester course taught in the spring, a unit on dating violence awareness shall be taught as a component of a health course offered in grades seven through twelve (7-12).

(b) A unit on dating violence awareness shall:

(1) Focus on healthy relationships, including the characteristics of healthy relationships;

(2) Teach students the definition of dating violence and abuse, including without limitation:

(A) Warning signs of dating violence and abusive behavior; and

(B) Measures to stop or prevent dating violence and abusive behavior;

(3) Inform students about resources and reporting procedures for dating violence or abuse; and

(4) Examine the common misconceptions and stereotypes about dating violence and abuse.

(c)(1) Materials used to teach a unit in dating violence awareness shall be age appropriate.

(2) Information provided shall be objective and based on scientific research that is peer-reviewed and accepted by professionals and credentialed experts in the field of health education.

(d) The Division of Elementary and Secondary Education shall annually provide a list of source materials available for school districts to use to teach a unit on dating violence awareness, including without limitation materials from:

(1) The Arkansas Coalition Against Domestic Violence;

(2) The Centers for Disease Control and Prevention;

- (3) The National Domestic Violence Hotline;
- (4) The National Institutes of Health; and
- (5) Other sources of scientifically based research that are peer-reviewed.

History. Acts 2015, No. 952, § 1; 2019, No. 910, § 1351.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in the introductory language of (d).

6-16-1005. Licensed Practical Nurse Pathway Pilot Program.

(a) There is created the Licensed Practical Nurse Pathway Pilot Program.

(b) By the 2022-2023 school year, the Division of Elementary and Secondary Education, in consultation with the Division of Higher Education, shall establish and implement the program by which a public school student enrolled in grades nine through twelve (9-12) in a public school or open-enrollment public charter school may enroll in undergraduate courses required to obtain a diploma or certificate of completion as a licensed practical nurse by the date on which the public school student graduates or within a reasonable frame of time after the public school student graduates.

(c) The Division of Elementary and Secondary Education shall work with the following entities without limitation to establish and implement the program as required under subsection (b) of this section:

- (1) The Department of Health;
- (2) The Division of Higher Education;
- (3) The Arkansas State Board of Nursing;
- (4) The Office of Skills Development; and
- (5) Any other individual or entity involved in the practice of nursing and nursing education programs.

(d)(1) A public school district or open-enrollment public charter school shall submit to the Division of Elementary and Secondary Education:

(A) An application to participate in the program; and

(B) The name of the institution of higher education that has indicated its willingness to partner with the public school district or open-enrollment public charter school to implement the program in the public school district or open-enrollment public charter school.

(2) A public school district may apply on behalf of a single public school within the public school district.

(3) A public school or open-enrollment public charter school may partner with a secondary vocational center to implement the program under this section.

(e) In selecting participants, the Division of Elementary and Secondary Education shall:

- (1) Consider qualified applicants from various locations and of various sizes and demographics; and

(2) Consult with entities listed under subsection (c) of this section.

(f) The Division of Elementary and Secondary Education, in consultation with the Division of Higher Education, shall develop:

(1) An application form, schedule, and procedure by which a public school district or open-enrollment public charter school may apply to participate in the program;

(2) Criteria to use in selecting public school districts and open-enrollment public charter schools to participate in the program; and

(3) A policy clarifying that an institution of higher education with which a public school district or open-enrollment public charter school is partnered shall exercise oversight and control of the academic aspects of the program, including without limitation faculty selection, curricula, and evaluation processes.

History. Acts 2021, No. 757, § 1.

6-16-1006. Parental notice and consent — Definitions.

(a) As used in this section:

(1) “Gender identity” means the same as is used in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, which defines it as a category of social identity and refers to an individual’s identification as male, female, or, occasionally, some category other than male or female; and

(2) “Sexual orientation” means an individual’s actual or perceived orientation as heterosexual, homosexual, or bisexual.

(b)(1) A public school shall make the following, as they relate to sex education, sexual orientation, and gender identity, available for inspection by parents and legal guardians of participating public school students:

(A) Curricula;

(B) Materials;

(C) Tests;

(D) Surveys;

(E) Questionnaires;

(F) Activities; and

(G) Instruction of any kind.

(2) Information made available for inspection under subdivision (b)(1) of this section shall be made available regardless of whether any of the listed items are offered as part of a sex education class or program or as part of any other class, activity, or program.

(c)(1) A public school shall provide:

(A) Prior written notification to parents and legal guardians of public school students participating in any of the listed items under subdivision (b)(1) of this section; and

(B) A means by which parents and legal guardians of public school students participating in any of the listed items under subdivision (b)(1) of this section may:

(i) Inspect the items listed under subdivision (b)(1) of this section; and

(ii)(a) Notify the public school district in writing if the parent or legal guardian does not want his or her child to participate in any of the items listed under subdivision (b)(1) of this section.

(b) A student who is excused from participating in any or all portions of the items listed under subdivision (b)(1) of this section shall not be penalized for grading purposes if the student satisfactorily performs alternative lessons related to health.

(2) Each public school shall develop a means of:

(A) Providing written notification to parents and legal guardians as required under subdivision (c)(1) of this section that ensures effective notice and the ability of parents and legal guardians to exercise their rights under this section in an efficient and appropriate manner; and

(B) Receiving a confirmation of receipt from parents and legal guardians of the written notification required under subdivision (c)(1) of this section.

(d) This section does not require:

(1) Parental notification before a public school or a public school district employee:

(A) Responds to questions posed by public school students during class regarding sex education, sexual orientation, or gender identity as it relates to a topic of instruction; or

(B) Refers to the sexual orientation or gender identity of a historical person, group, or public figure when such information provides necessary context in relation to a topic of instruction; or

(2) Local public school districts to provide instruction regarding sex education, sexual orientation, or gender identity not otherwise required by law.

(e) The requirements under subdivision (b)(1) of this section shall not apply if the listed item under subdivision (b)(1) of this section is directly related to a requirement under the Arkansas academic standards for the particular item in question.

History. Acts 2021, No. 552, § 1.

SUBCHAPTER 12 — ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT

SECTION.

6-16-1202. Definitions.

6-16-1204. Implementation.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-1202. Definitions.

As used in this subchapter:

(1) "Advanced Placement course" means a high school level preparatory course for a college Advanced Placement test that:

(A) Incorporates all topics specified by the College Board and Educational Testing Service on its standards syllabus for a given subject area; and

(B) Is approved by the College Board and Educational Testing Service;

(2) "Endorsed concurrent enrollment course" means a college-level course offered by an institution of higher education in this state that upon completion would qualify for academic credit in both the institution of higher education and a public high school that:

(A) Is in one (1) of the four (4) core areas of math, English, science, and social studies;

(B) Meets the requirements of § 6-16-1204(b); and

(C) Is listed in the Arkansas Course Transfer System of the Division of Higher Education;

(3) "Pre-Advanced Placement course" means a middle school, junior high school, or high school level course that specifically prepares students to enroll and to participate in an advanced placement course; and

(4) "Vertical team" means a group of educators from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in the Advanced Placement program and other challenging coursework.

History. Acts 2003 (2nd Ex. Sess.), No. 102, § 1; 2007, No. 936, § 1; 2019, No. 910, § 1352.

substituted "Division of Higher Education" for "Department of Higher Education" in (2)(C).

Amendments. The 2019 amendment

6-16-1204. Implementation.

(a)(1) In order to prepare students for the rigor inherent in Advanced Placement courses, school districts shall offer pre-Advanced Placement courses to prepare students for the demands of Advanced Placement coursework.

(2) The Division of Elementary and Secondary Education shall approve all classes designated as pre-Advanced Placement courses.

(b) An endorsed concurrent enrollment course must meet the following requirements:

(1) The course must be a course offered by an institution of higher education in this state that is:

(A) Approved through the institution of higher education's normal process; and

(B) Listed in the institution of higher education's catalog;

(2) The course content and instruction must meet the same standards and adopt the same learning outcomes as those developed for a course taught on the campus of the institution of higher education, including without limitation:

(A) The administration of any departmental exams applicable to the course; and

(B) The use of substantially the same book and syllabus as is used at the college level;

(3) The course must be taught by an instructor with the qualifications required under § 6-16-1203(b);

(4) The institution of higher education offering the course must:

(A) Provide to the course instructor staff development, supervision, and evaluation; and

(B)(i) Provide the students enrolled in the course with:

(a) Academic guidance counseling; and

(b) The opportunity to utilize the on-campus library or other academic resources of the institution of higher education.

(ii) Nothing in this subdivision (b)(4) shall preclude institutions of higher education from collaborating to meet the requirements of this subdivision (b)(4);

(5) To be eligible to enroll in an endorsed concurrent enrollment course, the student must:

(A) Be admitted by the institution of higher education as a non-degree or non-certificate seeking student; and

(B) Meet all of the prerequisites for the course in which he or she is enrolled; and

(6)(A) Credit for the endorsed concurrent enrollment course may only be awarded by the institution of higher education offering the course.

(B) Nothing in this subdivision (b)(6) shall preclude institutions of higher education from collaborating to provide the course and award course credit.

(c) Beginning with the 2008-2009 school year, all school districts shall offer one (1) College Board Advanced Placement course in each of the four (4) core areas of math, English, science, and social studies for a total of four (4) courses.

(d)(1) The requirement under subsection (c) of this section shall be phased in over a period of four (4) years beginning with the 2005-2006 school year.

(2) Beginning with the 2008-2009 school year, all high schools in Arkansas shall offer a minimum of four (4) Advanced Placement courses by adding at least one (1) core course each year to the list of courses available to high school students.

(e)(1)(A) A state-supported two-year or four-year institution of higher education may offer a reduced tuition rate for endorsed concurrent enrollment courses offered by the institution of higher education to high school students under this subchapter.

(B) The reduction in tuition under subdivision (e)(1)(A) of this section or any tuition paid by the institution of higher education under subdivision (e)(3)(B) of this section shall not be considered an institutional scholarship.

(2) The number of students enrolled and the semester credit hours for endorsed concurrent enrollment courses shall be included in the calculation of full-time-equivalent enrollment for the institution of higher education.

(3)(A) A national school lunch student, as defined in § 6-20-2303, shall not be required to pay any of the costs up to a maximum of six (6) credit hours of endorsed concurrent enrollment courses that are taught:

(i) On the grounds of the public school district in which the student is enrolled; and

(ii) By a teacher employed by the public school district in which the student is enrolled.

(B) The costs for endorsed concurrent enrollment courses under subdivision (e)(3)(A) of this section shall be paid:

(i) By the public school district in which the student is enrolled;

(ii) By the institution of higher education offering the course; or

(iii) Through a cost-sharing agreement between the public school district and the institution of higher education.

History. Acts 2003 (2nd Ex. Sess.), No. 102, § 1; 2007, No. 936, § 3; 2009, No. 1451, § 1; 2017, No. 1118, §§ 1, 2; 2019, No. 910, § 1353.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2).

SUBCHAPTER 14 — DIGITAL LEARNING ACT OF 2013

SECTION.

6-16-1403. Digital learning — Approved provider list — Definition.

SECTION.

6-16-1405. Digital learning providers.
6-16-1406. Digital learning courses.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that

these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Effi-

ciencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-1403. Digital learning — Approved provider list — Definition.

(a)(1) As used in this subchapter, "digital learning" means a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video.

(2) Digital learning services may be procured from both in-state and out-of-state digital learning providers.

(b) The Division of Elementary and Secondary Education shall annually:

(1) Publish a list of approved digital learning providers that offer digital learning services; and

(2) Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 each year.

History. Acts 2013, No. 1280, § 1; 2019, No. 910, § 1354.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in the introductory language of (b).

6-16-1405. Digital learning providers.

(a) To become an approved digital learning provider, a digital learning provider shall submit proof that the provider:

(1) Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;

(2) Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses;

(3) Meets or exceeds the minimum curriculum standards and requirements established by the State Board of Education and ensures instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses; and

(4)(A) Utilizes qualified teachers to deliver digital learning courses to public school students.

(B) A qualified teacher who delivers digital learning courses under this subchapter is not required to be licensed as a teacher or administrator by the state board, but shall meet the minimum qualifications for teaching in a core content area established by rules of the state board.

(b) The Division of Elementary and Secondary Education or state board shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital learning courses to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.

History. Acts 2013, No. 1280, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).
2017, No. 745, § 20; 2019, No. 910, § 1355.

Amendments. The 2019 amendment

6-16-1406. Digital learning courses.

(a) All public school districts and public charter schools shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.

(b) All digital learning courses provided by public school districts or public charter schools shall:

(1) Be of high quality;

(2) Meet or exceed the curriculum standards and requirements established by the State Board of Education; and

(3) Be made available in a blended learning, online-based, or other technology-based format tailored to meet the needs of each participating student.

(c) Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments.

(d) Beginning with the entering ninth grade class of the 2014-2015 school year, each high school student shall be required to take at least one (1) digital learning course for credit to graduate.

(e) The state board shall not limit the number of digital learning courses for which a student may receive credit through a public school or a public charter school and shall ensure that digital learning courses may be used as both primary and secondary methods of instruction.

(f) The state board may promulgate rules to implement this section.

(g) A public school district or open-enrollment public charter school that expels a student under § 6-18-507 shall offer to the expelled public school student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled public school student may have received if he or she was still enrolled in his or her assigned public school or open-enrollment public charter school immediately before he or she was expelled.

History. Acts 2013, No. 1280, § 1; **Amendments.** The 2019 amendment
2017, No. 939, § 1; 2019, No. 709, § 1. added (g).

SUBCHAPTER 15 — REENGAGEMENT SYSTEM AND DIFFERENTIATED PATHWAY
TO A HIGH SCHOOL DIPLOMA PROGRAM

SECTION.

- 6-16-1504. School district participation.
- 6-16-1505. Model contract and model interlocal agreement.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-16-1504. School district participation.

- (a) A school district may participate in the Reengagement System and Differentiated Pathway to a High School Diploma Program by entering into:
- (1) A model contract as specified under § 6-16-1505; or
 - (2) An interlocal agreement as specified under § 6-16-1505.
- (b) This section does not affect the authority of a school district to:
- (1) Contract for educational services;
 - (2) Offer reengagement programs that include career and college classes, internship opportunities, or other educational services for eligible students directly; or
 - (3) Have an audit conducted to ensure that the participating program offered by the school district meets academic standards adopted by the Division of Elementary and Secondary Education.

History. Acts 2015, No. 1260, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(3).
Amendments. The 2019 amendment

6-16-1505. Model contract and model interlocal agreement.

- (a) The State Board of Education shall develop and adopt a model contract and model interlocal agreement that a school district can tailor to its needs for adopting a participating program in the Reengagement System and Differentiated Pathway to a High School Diploma Program.
- (b) A model contract or model interlocal agreement shall address without limitation:

- (1) The responsibilities of identifying, referring, and enrolling eligible students;
 - (2) Instruction and services to be provided as part of a participating program;
 - (3) The responsibilities for data collection and reporting, including student transcripts and data required by the Division of Elementary and Secondary Education;
 - (4) Administration of the high school student assessments or their equivalent;
 - (5)(A) Uniform financial reimbursement rates per full-time equivalent eligible student enrolled in a participating program, calculated and allocated as a statewide annual average of public school funding and including enhancements for students enrolled in college classes and workforce readiness programs.
 - (B) Financial reimbursement may include a uniform administrative fee to be retained by the school district;
 - (6) The responsibilities for providing special education or related services for eligible students with disabilities who have an individualized education plan;
 - (7) Minimum instructional staffing ratios for participating programs offered by community-based organizations such as the Arkansas National Guard Youth Challenge Program, which are not required to be the same as for other basic education programs in school districts; and
 - (8) Performance measures that are required to be reported to high school counselors for the purpose of accountability, including longitudinal monitoring of student progress.
- (c) An eligible student enrolled in a participating program is considered a regularly enrolled student of the school district in which he or she is enrolled.

History. Acts 2015, No. 1260, § 1; substituted "Division of Elementary and Secondary Education" for "Department of

Amendments. The 2019 amendment Education" in (b)(3).

CHAPTER 17

PERSONNEL

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. PERSONNEL POLICIES.
3. EMPLOYMENT AND ASSIGNMENT.
4. LICENSURE GENERALLY.
6. LICENSED PERSONNEL TESTING PROGRAM.
7. PROFESSIONAL DEVELOPMENT.
8. TEACHERS' SALARIES GENERALLY.
9. THE ARKANSAS TEACHERS' SALARY LAW.
11. INSURANCE.
14. WORKERS' COMPENSATION.
15. THE TEACHER FAIR DISMISSAL ACT OF 1983.
16. MASTER SCHOOL PRINCIPAL PROGRAM.

SUBCHAPTER.

- 17. PUBLIC SCHOOL EMPLOYEE FAIR HEARING ACT.
- 19. MINORITY RECRUITMENT.
- 22. CLASSIFIED SCHOOL EMPLOYEE MINIMUM SALARY ACT.
- 23. PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES.
- 24. TEACHER COMPENSATION PROGRAM OF 2003.
- 25. ARKANSAS TEACHER OF THE YEAR ACT.
- 26. LIFETIME TEACHING LICENSE.
- 27. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND.
- 28. TEACHER EXCELLENCE AND SUPPORT SYSTEM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-17-102. Emergency first aid personnel.
- 6-17-106. Insult or abuse of teacher.
- 6-17-111. Duty-free lunch period.
- 6-17-112. Corporal punishment — Immunity from liability — Definition.
- 6-17-113. Duty to report and investigate student criminal acts — Definitions.

SECTION.

- 6-17-114. Daily planning period — Definition.
- 6-17-117. Noninstructional duties — Definitions.
- 6-17-119. [Repealed.]
- 6-17-121. Pre-employment and random drug screening — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-102. Emergency first aid personnel.

Every public elementary school and every public secondary school in the State of Arkansas shall have in its employ at least one (1) person who is certified by the American Red Cross or approved by the Division of Elementary and Secondary Education as qualified to administer emergency first aid and who shall be on the school grounds during normal school hours.

History. Acts 1977, No. 395, § 1; A.S.A. 1947, § 80-1263; Acts 2019, No. 910, § 1358.
Amendments. The 2019 amendment

substituted “Division of Elementary and Secondary Education” for “Department of Education”.

6-17-106. Insult or abuse of teacher.

(a)(1) It is unlawful during regular school hours and in a place where a public school employee is required to be in the course of his or her duties for any person to address a public school employee using language that in its common acceptation is calculated to:

(A) Cause a breach of the peace;

(B) Materially and substantially interfere with the operation of the school; or

(C) Arouse the person to whom it is addressed to anger to the extent likely to cause imminent retaliation.

(2) A person who violates this section shall be guilty of a violation and upon conviction be liable for a fine of not less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500).

(b) Each school district shall report to the Division of Elementary and Secondary Education any prosecutions within the school districts under this section.

History. Acts 1979, No. 125, § 1; A.S.A. 1947, § 80-1905.1; Acts 1987, No. 741, § 1; 2001, No. 1565, § 1; 2005, No. 1994, § 63; 2019, No. 910, § 1359.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).

6-17-111. Duty-free lunch period.

(a)(1) Each school district in this state shall provide at least a thirty-minute uninterrupted duty-free lunch period during each student instructional day for each licensed school employee in its employment.

(2) Any teacher not receiving a duty-free lunch period during each student instructional day as provided in subdivision (a)(1) of this section shall be compensated at his or her hourly rate of pay for each missed lunch period.

(3) [Repealed.]

(b) Lunchroom supervisors who have been in-serviced may be volunteers, personnel in nonlicensed positions, or aides.

History. Acts 1987, No. 558, § 1; 2001, No. 1373, § 1; 2005, No. 1881, § 1; 2011, No. 989, § 24; 2013, No. 1138, § 30; 2019, No. 728, § 1.

Amendments. The 2019 amendment repealed (a)(3).

6-17-112. Corporal punishment — Immunity from liability — Definition.

(a)(1) Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal

punishment is administered in substantial compliance with the school district's written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district's written student discipline policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, nonambulatory, nonverbal, or autistic.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

History. Acts 1994 (2nd Ex. Sess.), No. 51, §§ 3, 5; 2011, No. 989, § 25; 2019, No. 557, § 1.

substituted "Except as provided under subdivision (a)(2) of this section, teachers and administrators" for "Teachers and administrators" in (a)(1); and added (a)(2).

Amendments. The 2019 amendment

6-17-113. Duty to report and investigate student criminal acts — Definitions.

(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b)(1) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency.

(2) The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days.

(3) The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency.

(4) The superintendent or his or her designee shall notify the local school district board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3)(A) The prosecuting attorney shall implement the appropriate course of action and, within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal.

(B) The report shall state:

(i) Whether the investigation into the reported incident is ongoing;

(ii) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(iii) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

History. Acts 1995, No. 888, § 1; 1997, No. 1243, § 1; 1999, No. 1520, § 1; 2019, No. 315, § 223.

Amendments. The 2019 amendment deleted “and regulations” following “rules” twice in (e).

6-17-114. Daily planning period — Definition.

(a)(1) Effective beginning the 2003-2004 school year, each school district in this state shall provide a minimum of two hundred (200) minutes each week for each teacher to schedule time for conferences, instructional planning, and preparation for all classroom teachers employed by the school district.

(2)(A) The planning time shall be in increments of no less than forty (40) minutes during the student instructional day unless a teacher submits a written request to be allowed to have his or her planning time scheduled at some time other than during the student instructional day.

(B) A teacher who does not receive the planning time required under subdivision (a)(2)(A) of this section during the student instruc-

tional day shall be compensated at his or her hourly rate of pay for each missed planning period except for planning periods missed because of occasional, not-regularly-scheduled field trips, fire drills, or bomb scares.

(C) [Repealed.]

(b)(1) No school district shall provide planning time as required by this section by lengthening the school day unless the school district compensates teachers for the additional time at an hourly per diem rate.

(2) Any teacher not receiving individual planning time as provided for in this section shall be compensated for the planning time lost at his or her hourly rate of pay.

(c) Each school district shall implement the requirements of this section in accordance with § 6-17-201 et seq.

(d) As used in this section, “student instructional day” means the time that students are required to be present at school.

History. Acts 1997, No. 1343, § 1; 2001, No. 1208, § 1; 2003, No. 462, § 1; 2005, No. 1943, §§ 1, 2; 2019, No. 728, § 2. **Amendments.** The 2019 amendment repealed (a)(2)(C).

6-17-117. Noninstructional duties — Definitions.

(a)(1) The purpose of this section is to provide additional time for instructional purposes and to reduce the amount of time for noninstructional duties.

(2) Any teacher assigned more than sixty (60) minutes of noninstructional duties per week shall be contracted in accordance with § 6-17-807(g).

(b) As used in this section:

(1) “Noninstructional duties” means the supervision of students before or after the instructional day begins or ends for students or for the supervision of students during breakfasts, lunches, or scheduled breaks; and

(2) “Instructional purposes” means activities initiated by the teacher related to teaching duties, including without limitation contacting parents, assessing student performance, documenting student performance, organizing the classroom, preparing instructional materials, supervising students during recess, and other teaching responsibilities related to instructional planning and the direct instruction of students.

History. Acts 2003, No. 1398, § 1; 2003 (2nd Ex. Sess.), No. 37, § 1; 2019, No. 641, § 3. (b)(1); and, in (b)(2), substituted “without limitation” for “but not limited to”, and inserted “supervising students during recess”.

Amendments. The 2019 amendment deleted “recesses” following “lunches” in

6-17-119. [Repealed.]

Publisher's Notes. This section, concerning alternative pay programs, was repealed by Acts 2021, No. 544, § 27, effective July 28, 2021. The section was

derived from Acts 2007, No. 847, § 2; 2013, No. 1138, §§ 31, 32; 2019, No. 757, § 32; 2019, No. 910, §§ 1360, 1361.

6-17-121. Pre-employment and random drug screening — Definitions.

(a) As used in this section:

(1) "Drug" means the same as defined in § 5-64-101;

(2) "Drug screening" means a chemical test administered for the purpose of determining the presence or absence of a drug in an individual's blood, breath, or urine;

(3) "Employee" means an individual who is currently employed at a public prekindergarten through grade twelve (preK-12) school district; and

(4) "Positive drug screening result" means a finding of the presence of a drug in the sample tested during an individual's drug screening test.

(b) A school district board of directors may implement a policy that requires one (1) or more of the following:

(1) Pre-employment drug screening of an individual who applies for employment at a public school district; or

(2) Random drug screening of current employees.

(c) In the case of a positive drug screening result from a random drug screening of a current employee under this section, a school district may implement disciplinary actions that include without limitation the:

(1) Immediate dismissal of the employee;

(2) Requirement that the employee go on temporary leave; or

(3) Requirement that the employee enter a drug treatment program.

History. Acts 2019, No. 323, § 1.

SUBCHAPTER 2 — PERSONNEL POLICIES**SECTION.**

6-17-201. Personnel policies requirements — Definition.

6-17-202. Right to join a professional organization.

6-17-204. Incorporation into teachers' contracts.

SECTION.

6-17-207. Accreditation of school district.

6-17-208. Grievance procedure — Definitions.

6-17-209. Interim personnel policy committees — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of

the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-201. Personnel policies requirements — Definition.

(a) Each school district in the state shall have a set of written personnel policies, including the teacher salary schedule.

(b) "Personnel policies" means all school district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a teacher's employment.

(c) The personnel policies shall include, but are not limited to, the following terms and conditions of employment:

- (1) Benefits;
- (2) Compensation;
- (3) Designation of workdays;
- (4) Holidays and noninstructional days;
- (5) The annual calendar;
- (6) Methods of evaluations;
- (7) Extra duties;
- (8) Leave;
- (9) Grievances;
- (10) Dismissal or nonrenewal;
- (11) Reduction in force; and
- (12) Assignment of teacher aides.

(d)(1)(A) A school district shall not receive in any year any additional funding from the Public School Fund unless the school district posts by September 15 its current personnel policies on the school district's website, including the salary schedule as required by this subchapter.

(B) A written copy of the policies signed by the president of the local school district board of directors shall be retained by the school district in a central records location.

(2)(A) By September 15 of each year, a school district shall provide the Division of Elementary and Secondary Education with the website address at which its current personnel policies, including the salary schedule, may be found.

(B) The division shall notify any school district that has not posted its policies on the school district website or provided the division with the website address in accordance with this section.

History. Acts 1987, No. 687, § 1; 1991, No. 170, § 1; 1999, No. 391, § 6; 2003, No. 1120, § 1; 2005, No. 2121, § 3; 2011, No. 989, § 26; 2013, No. 1073, § 20; 2019, No. 910, § 1362.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d)(2)(A); and substituted "division" for "department" twice in (d)(2)(B).

6-17-202. Right to join a professional organization.

School district boards of directors or their representatives shall not take or threaten actions that interfere with, restrain, or coerce a teacher in the exercise of the teacher's right to join a professional organization.

History. Acts 1987, No. 687, § 2; 2001, No. 1765, § 1; 2019, No. 728, § 3.

Amendments. The 2019 amendment substituted "Right to join a professional organization" for "Applicability" in the section heading; deleted (a); removed the

(b) designation from the remaining text; and substituted "that" for "which" and "join a professional organization" for "have an organization represent a majority of the teachers as set forth in this section".

6-17-204. Incorporation into teachers' contracts.

(a) The personnel policies of all school districts shall be considered to be incorporated as terms of the licensed personnel contracts and shall be binding on the licensed personnel and the school district.

(b)(1) Any changes or additions to the personnel policies shall not be considered a part of licensed personnel contracts until the next fiscal year.

(2)(A) Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of the licensed personnel employed by the school district voting by secret ballot.

(B) The voting and counting shall be conducted by the personnel policy committee.

(3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.

(c)(1) Notwithstanding subsection (b) of this section, a change or addition to the personnel policies that is necessary to ensure compliance with a state rule or federal regulation, a state law enacted during a legislative session, or a federal law that is adopted by the school district board of directors each year by the later of June 30 or ninety (90) days after the effective date of a change to a state rule or federal regulation, a state law enacted during a legislative session, or a federal law giving rise to the specific policy change or addition shall be considered a part of licensed personnel contracts on July 1 of the same calendar year or upon the date of adoption if adopted after June 30.

(2) Any changes or additions to the personnel policies adopted by the school district board of directors between May 1 and June 30 each year that are not required to ensure compliance with state law or rule or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year if:

(A) A notice of the change is sent no later than five (5) working days after final board action by first class letter to the address on record in the personnel file of each affected employee; and

(B) The notice of change includes:

(i)(a) The new or modified policy.

(b) A modified policy shall be provided in a form that clearly shows additions underlined and deletions stricken; and

(ii)(a) A provision that states that due to the policy change, each continuing employee under contract shall have the power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school district board of directors takes final action by providing to the school district board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

(b) For continuing contract employees covered under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.

(d)(1) A school district shall adopt, in accordance with this subchapter, a supplement to the salary schedule for those licensed staff employed longer than the period covered by the salary schedule and for duties in addition to licensed employees' regular teaching assignments.

(2) Compensation policies approved by the personnel policy committee shall not apply to the chief administrator who is charged with administration of salary policy for all employees.

(3) A licensed employee may not waive payment according to the salary schedule.

(e) Under §§ 6-5-307(a) and 6-20-412 a school district is not prohibited from paying a licensed employee additional salary increases as a supplement to the salary schedule even though the licensed employee is not employed an additional time period longer than the period covered by the salary schedule or required to perform duties in addition to the licensed employee's regular teaching assignments.

History. Acts 1983, No. 224, §§ 1, 2; A.S.A. 1947, §§ 80-1258.1, 80-1258.2; Acts 1995, No. 1260, § 1; 1997, No. 931, § 1; 2001, No. 1485, § 1; 2009, No. 1180, § 3; 2011, No. 186, § 1; 2011, No. 981, § 4; 2011, No. 989, § 27; 2015, No. 835, § 1; 2019, No. 315, § 224.

Amendments. The 2019 amendment inserted "rule" twice in (c)(1); and inserted "law or rule" in the introductory language of (c)(2).

6-17-207. Accreditation of school district.

No school district which does not have written personnel policies shall be accredited by the Division of Elementary and Secondary Education.

History. Acts 1987, No. 687, § 5; 2019, No. 910, § 1363.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education".

6-17-208. Grievance procedure — Definitions.

(a)(1) It is the public policy of the State of Arkansas that:

(A) Each school district shall have a written grievance procedure that provides for an orderly method of resolving concerns raised by an employee at the lowest possible administrative level and in a clear and timely manner for both parties; and

(B)(i) All school employees shall have the right to file grievances and have those grievances heard.

(ii) A group of employees who have the same grievance may file a group grievance.

(2)(A) "Grievance" means any concern related to personnel policy, salary, federal laws and regulations, state laws and rules, or terms or conditions of employment raised by an employee.

(B) "Employee" means a person employed by a school district under a written contract.

(b)(1) The grievance policy shall include at least the following provisions:

(A) A procedure for resolving the matter informally with the employee's immediate supervisor;

(B) A procedure to appeal in writing an unsatisfactorily resolved grievance from the immediate supervisor to the superintendent of schools or his or her designee;

(C)(i) A procedure to appeal in writing an unsatisfactorily resolved grievance from the superintendent or his or her designee to the school district board of directors at the next regularly scheduled school district board of directors meeting unless both parties have agreed to a different date.

(ii) The hearing shall be open or closed at the discretion of the employee.

(iii) If the hearing is open, the parent or guardian of any student under eighteen (18) years of age who gives testimony may elect to have the student's testimony given in a closed session; and

(D) The right of a party to be represented by a person of his or her own choosing, but not by a member of a party's immediate family at any level of the procedure.

(2)(A) The determination by the principal, superintendent, or their designees that the concern expressed by the employee is not a grievance may be appealed to the school district board of directors for a final decision.

(B) At the hearing:

(i)(a) The employee shall have an adequate opportunity to present the grievance.

(b) The employee shall be provided no less than ninety (90) minutes to present the grievance, unless a shorter period is agreed to by the employee; and

(ii) Both parties shall have the opportunity to present and question witnesses.

(c) The grievance policy shall be adopted in accordance with this subchapter and other applicable policies of the school district.

(d) There shall be no reprisals of any kind against any individual who exercises his or her rights under this section.

(e) Nothing in this section shall be construed as requiring a school district to enter into an agreement recognizing an organization for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern.

History. Acts 1991, No. 558, §§ 1-3; 1993, No. 1149, §§ 1, 2; 1999, No. 1498, § 1; 2001, No. 1169, § 1; 2003, No. 1357, § 1; 2007, No. 312, § 1; 2019, No. 315, § 225.

Amendments. The 2019 amendment substituted “federal laws and regulations, state laws and rules” for “federal or state laws and regulations” in (a)(2)(A).

6-17-209. Interim personnel policy committees — Definitions.

(a) For purposes of this section, the following definitions shall apply:

(1) “Consolidation” means any reorganization, merger, collapse, or annexation of any school districts or portions of any school districts either voluntarily or involuntarily;

(2) “Interim policy review board” means a board consisting of the presidents of the school district boards of directors of the school districts to be consolidated that shall be formed for the purpose of reviewing and adopting a uniform set of policies under this section; and

(3) “New school district” means the resulting school district after consolidation.

(b)(1) As soon as possible after the school district boards of directors or the qualified electors of the school districts agree to be consolidated or as soon as possible after any decision is made that the school districts are to be involuntarily consolidated, the personnel policy committee of each of the school districts involved in the consolidation shall meet individually and elect members to form an interim personnel policy committee for the new school district.

(2) The personnel policy committees of the existing school districts shall elect:

(A)(i) If three (3) or fewer school districts are consolidating, three (3) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; or

(ii) If four (4) or more school districts are consolidating, two (2) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; and

(B) One (1) administrator from each of the school districts to serve on the interim personnel policy committee.

(3)(A) The interim personnel policy committee shall elect a chair and a secretary, both of whom shall be classroom teachers, and schedule a calendar of meetings to review all the written uniform policies of

the respective school districts that affect the terms and conditions of the teachers' employment.

(B) The interim personnel policy committee shall put together a proposed set of policies for the new school district from the written policies.

(c)(1) After drafting a proposed set of policies for the new school district, the interim personnel policy committee shall meet with the interim policy review board of the new school district to present and explain to the interim policy review board the proposed set of policies for the new school district.

(2) Upon request of the interim personnel policy committee, the interim policy review board shall be entitled to and shall organize itself and meet with the interim personnel policy committee at least two (2) times before June 1 of the school year before consolidation for the purpose of reviewing, receiving, and discussing with the interim personnel policy committee the proposed policies for the new school district.

(d) The interim personnel policy committee shall serve as the personnel policy committee of the new school district until a new personnel policy committee is formed and successor personnel policy committee members are elected pursuant to this subchapter or until the new school district chooses to officially recognize in its policies an organization representing a majority of the teachers in the school district for purposes of negotiating as provided for under this subchapter.

(e)(1) The interim policy review board shall adopt a uniform set of policies before the effective date of the consolidation that shall be the personnel policies for the new school district.

(2) In the event the interim policy review board decides to adopt any policy or policies different from those proposed by the interim personnel policy committee, the interim policy review board shall submit the proposals to the interim personnel policy committee at least seven (7) calendar days before being considered for adoption by the interim policy review board.

(3) The chair of the interim personnel policy committee or a committee member designated by the chair will have the opportunity to comment orally on any of the interim policy review board's proposals before their adoption.

(4) Any written policy of a new school district that affects the terms and conditions of a teacher's employment shall be considered a personnel policy.

(5) The new personnel policies shall not impair or diminish the existing contract rights of any teacher.

(f) [Repealed.]

(g) This section does not apply to instances in which the State Board of Education votes to annex or consolidate one (1) school district to or with two (2) or more receiving or resulting school districts due to enforcement by the state board of the provisions of this title relating to Level 5 — Intensive support, academic facilities distress, fiscal distress,

or violations of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2003, No. 1801, § 1; 2011, No. 989, §§ 28-31; 2019, No. 728, § 4; 2019, No. 757, § 33.

Amendments. The 2019 amendment by No. 728 repealed (f).

The 2019 amendment by No. 757, in (g), substituted “This section does not” for “The provisions of this section shall not” and “Level 5 – Intensive support” for “academic distress”.

SUBCHAPTER 3 — EMPLOYMENT AND ASSIGNMENT

SECTION.	SECTION.
6-17-301. Employment of licensed personnel.	6-17-308. Moving expenses in particular regions.
6-17-304. Employment of teacher obligated to another school district — Liability of hiring school district.	6-17-309. Licensure — Waiver.
6-17-305. Student teachers.	6-17-310. Office for the Purpose of Teacher Recruitment — Definition.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-301. Employment of licensed personnel.

- (a)(1) A school district board of directors may employ superintendents, deputy superintendents, assistant superintendents, and high school principals, as well as department heads, coaches, teachers, and other licensed personnel by written contract for a period of time not more than three (3) years.
- (2) A contract may be renewed annually.
- (b) A superintendent’s contract of employment with a school district may be terminated for cause and without the school district’s having any further financial obligation to the superintendent if:
- (1) The school district has:
- (A) Been placed on fiscal distress by the Division of Elementary and Secondary Education because of:
- (i) Commitments made by the superintendent of which the school district board of directors had no notice or knowledge; or

(ii) A material misrepresentation made by the superintendent concerning the school district's finances that the school district board of directors relied upon to the detriment of the school district;

(B) Exhausted all appeals of the division's decision regarding the fiscal distress determination;

(2) The superintendent was provided:

(A) Notice of the reason for termination;

(B) A hearing to allow the superintendent to explain or rebut the reasons stated in the notice; and

(C) A record of the hearing provided at the expense of the school district; and

(3) The superintendent's contract was terminated by a majority vote of the full school district board of directors after the hearing described in subdivision (b)(2) of this section.

(c)(1) An individual whose license is suspended or revoked by the State Board of Education for a disqualifying offense under § 6-17-410 or an ethical violation under § 6-17-428 is not eligible to be employed at a school district, public school, or public charter school, including as a substitute teacher whether directly employed by the school district or public charter school or providing substitute teaching services under contract with an outside entity.

(2) The restriction in this subsection shall expire upon the expiration of the term of a suspension of the license.

(3) The employment of a person in violation of this subsection is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1969, No. 145, § 1; 1969, No. 215, § 1; A.S.A. 1947, §§ 80-1235, 80-1236; Acts 2003, No. 1738, § 2; 2007, No. 617, § 9; 2009, No. 1203, § 1; 2009, No. 1469, § 7; 2011, No. 989, § 32; 2015, No. 1090, § 2; 2019, No. 910, § 1364.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (b)(1)(A).

6-17-304. Employment of teacher obligated to another school district — Liability of hiring school district.

(a) Any school district which employs a teacher or administrator whom the school district knows, or should have known, is contractually obligated to another school district shall be liable to the other school district for an amount of money equal to the salary in the violated contract exclusive of fringe benefits.

(b) Either school district may petition the Division of Elementary and Secondary Education to satisfy the liability by transferring such amount to the entitled school district from funds which the division would have distributed to the liable school district.

(c) Upon receipt of such a petition, the division shall determine the amount of the liability and satisfy the same by such transfer.

(d) If a substantial question arises as to the existence of a contract, the State Board of Education may decline to assess the penalty.

History. Acts 1985, No. 154, § 1; A.S.A. 1947, § 80-1266.11; Acts 2019, No. 910, § 1365.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b); and substituted "division" for "department" in (b) and (c).

6-17-305. Student teachers.

(a) Any primary or secondary school which has been accredited by the Division of Elementary and Secondary Education may be entitled to assignments of student teachers from institutions of higher education in this state, irrespective of accreditation by any other agency, private or public.

(b) Any school district board of directors desiring to cooperate with any tax-supported institution of higher education one (1) of whose functions is the training of teachers is authorized to enter into a contract with the board of trustees of the institution for the operation and maintenance of a public school, grades one through twelve (1-12) or any part thereof, located in the county, to be used for training school purposes by the institution.

(c) The school district boards of directors in this state are authorized to enter into contracts with colleges and universities for the use of student teachers in the public schools.

(d) The State Board of Education, by rules, may approve students authorized by the college to do student teaching.

(e) Student teachers in the public schools shall, while engaged in the performance of their student teaching duties, enjoy the same immunities provided by law for teachers in the public schools.

History. Acts 1935, No. 34, § 1; Pope's Dig., §§ 11663, 11778; Acts 1959, No. 218, § 1; 1973, No. 386, § 1; A.S.A. 1947, §§ 80-515, 80-1233, 80-1262; Acts 1999, No. 1078, § 59; 2019, No. 910, § 1366.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a).

6-17-308. Moving expenses in particular regions.

(a) The State Board of Education shall prescribe rules that allow for reimbursement to state-licensed teachers for the expense of moving when the employment necessitates the relocation of the teacher to a different geographical area from that in which the teacher resided before entering into a contract.

(b)(1) The expense reimbursement shall be allowed for both in-state and out-of-state teachers who enter into a contract for employment in a school district situated in the Delta or within a geographical area of the state where there exists a critical shortage of teachers.

(2) The region that is included in the Delta and the geographical area of the state where there exists a critical shortage of teachers shall be designated by the state board.

(c) In order to be eligible for the reimbursement, the teacher must apply to the local school district, and the school district must obtain the

prior approval from the Division of Higher Education for reimbursement before the relocation occurs.

(d)(1) If the reimbursement is approved, the division shall provide funds to the school district to reimburse the teacher an amount not to exceed one thousand dollars (\$1,000) for the documented actual expenses incurred in the course of relocating.

(2) Allowable expenses shall include:

(A) The expense of any professional moving company or persons employed to assist with the move;

(B) Rented moving vehicles or equipment;

(C) Mileage in the amount authorized for state employees if the teacher used a personal vehicle or vehicles for the move;

(D) Meals; and

(E) Other expenses associated with the relocation in accordance with the division's established rules.

(e) No teacher may be reimbursed for moving expenses under this section on more than one (1) occasion.

(f)(1) Nothing in this section shall be construed to require the actual residence to which the teacher relocates to be within the boundaries of the school district that has executed a contract for employment with the teacher or within the boundaries of the area designated by the state board as the Delta or a critical teacher shortage area in order for the teacher to be eligible for reimbursement for moving expenses.

(2) Teachers must relocate within the boundaries of the State of Arkansas.

(g) The provisions of this section shall be contingent on the availability of funding for the purpose of reimbursing teachers for interviewing and moving expenses under the terms of this section.

History. Acts 2001, No. 1388, § 2; 2019, No. 315, §§ 226, 227; 2019, No. 910, §§ 1367, 1368.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (a) and (d)(2)(E).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (c); and substituted "division" for "department" in (d)(1).

6-17-309. Licensure — Waiver.

(a)(1) No class of students shall be under the instruction of a teacher who is not licensed to teach the grade level or subject matter of the class for more than thirty (30) consecutive school days in the same class during a school year.

(2) This provision shall not apply to:

(A) Nondegreed vocational-technical teachers;

(B) Those persons approved by the Division of Elementary and Secondary Education to teach the grade level or subject matter of the class in the Division of Elementary and Secondary Education's distance learning program;

(C) Those persons teaching concurrent credit courses or advanced placement courses who:

- (i) Are employed by a postsecondary institution;
 - (ii) Meet the qualification requirements of that institution or the Division of Career and Technical Education; and
 - (iii) Are teaching in a course in which credit is offered by an institution of higher education or a technical institute;
 - (D) Licensed teachers teaching in the following settings:
 - (i) An alternative learning environment;
 - (ii) A juvenile detention facility;
 - (iii) A residential and day alcohol, drug, and psychiatric facility program;
 - (iv) An emergency youth shelter;
 - (v) A facility of the Division of Youth Services; or
 - (vi) A facility of the Division of Developmental Disabilities Services of the Department of Human Services; and
 - (E) A licensed special education teacher teaching two (2) or more core academic subjects exclusively to children with disabilities.
- (b)(1) If this requirement imposes an undue hardship on a school district, the school district may apply to the State Board of Education for a waiver.
- (2) The state board shall develop rules for granting a waiver.
- (3) Any school district that obtains a waiver shall send written notice of the assignment to the parent or guardian of each student in the classroom no later than the thirtieth school day after the date of the assignment.
- (4) The state board may waive or modify the requirement that an applicant seeking licensure as a special education teacher complete an additional performance-based program of study if the applicant:
- (A) Is licensed in another state with a special education license or endorsement; and
 - (B) Has taught special education students for not less than five (5) years.

History. Acts 2001, No. 1623, § 1; 2005, No. 2151, § 16; 2007, No. 1007, § 1; 2007, No. 1573, § 22; 2013, No. 1138, § 33; 2019, No. 315, § 228; 2019, No. 910, §§ 1369, 1370.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b)(2).

The 2019 amendment by No. 910 substituted “Division of Elementary and Sec-

ondary Education” for “Department of Education” and “Division of Elementary and Secondary Education’s” for “Department of Education’s” in (a)(2)(B); and substituted “Division of Career and Technical Education” for “Department of Career Education” in (a)(2)(C)(ii).

6-17-310. Office for the Purpose of Teacher Recruitment — Definition.

(a)(1) There is established within the Division of Elementary and Secondary Education the Office for the Purpose of Teacher Recruitment for ensuring that the children of our state are taught by highly qualified professionals.

(2) The office may serve as an interagency center focused on teacher recruitment.

(b) The office may have the following duties to:

(1) Develop, disseminate, and distribute written materials and video productions on the importance of teaching as a profession, emphasizing the critical need for teachers in certain geographical areas of the state and the availability of financial scholarships to college students in exchange for service as a licensed teacher in the geographical critical-need area as identified by the Division of Elementary and Secondary Education to assist the Division of Higher Education;

(2) Encourage teachers' aides and paraprofessionals in the public schools to pursue a college education that will enable them to become licensed teachers and to inform all assistant teachers of the availability of financial scholarships to both full-time and part-time college students under the Arkansas Academic Challenge Scholarship Program;

(3) Actively recruit, both within the state and out of state, teachers to render service to the state as licensed teachers in a geographical area of the state or subject-matter area where there exists a critical shortage of teachers, as designated by the State Board of Education;

(4) Actively recruit, both within the state and out of state, nonpracticing licensed teachers to return to the teaching profession to render service as licensed teachers in a public school district in a geographical area of the state and a subject-matter area where there is a critical shortage of teachers as designated by the state board;

(5) Recruit retired teachers who are willing to teach either full time or part time in public school programs;

(6) Notify teachers of the availability of incentives, including, but not limited to, forgivable loans and scholarships for persons who render service to the state as licensed teachers in a geographical area of the state where there exists a critical shortage of teachers in a subject-matter area, as designated by the state board; and

(7) Develop a statewide database for tracking Arkansas's educator workforce to give the state the ability it currently lacks in tracking Arkansas's ongoing process toward increasing the number of well-prepared and highly skilled teachers in high-poverty and high-priority schools or districts.

(c) The office may also provide leadership for the following initiatives to:

(1) Initiate and monitor high school programs for teacher recruitment;

(2) Initiate and monitor college-level programs for teacher recruitment;

(3)(A) Facilitate articulation agreements between two-year colleges and four-year higher education institutions to capitalize on the associates of arts candidates of two-year campuses for the purpose of recruiting candidates from underrepresented minorities.

(B) The Division of Higher Education may assist the office with the measure implemented under subdivision (c)(3)(A) of this section;

(4) Develop a plan to provide financial rewards to colleges and universities that prepare teachers and administrators from underrepresented minorities as well as teachers and administrators who teach in geographical areas of the state with a shortage of teachers, subject-matter areas with a shortage of teachers, or both;

(5) Provide additional scholarships for any targeted populations or geographical areas of the state needing potential teachers;

(6) Provide assistance to local school districts in identifying and locating specific teacher needs;

(7) Provide leadership and assistance to schools for developing Teachers of Tomorrow programs and future teacher clubs;

(8) Coordinate an annual teacher-recruitment conference;

(9) Promote Grow Your Own Teachers projects;

(10) Coordinate teacher recruitment activities with the Division of Higher Education;

(11) Develop programs to provide incentives to high-priority schools or districts to encourage changes in teaching and learning environments, to help prevent high-quality teachers from leaving for other schools, and to create the instructional environments that give all students the opportunity to achieve high academic standards;

(12) Develop programs to promote innovative partnerships between schools and health and social service agencies to ensure that students' noneducational needs are addressed through appropriate and effective mechanisms that do not become barriers to teaching and learning; and

(13) Develop programs to promote partnerships between teachers and education programs and grades prekindergarten through twelve (preK-12) school districts with emphasis on partnerships that prepare teachers and administrators to work in high-priority schools or districts.

(d) The Division of Elementary and Secondary Education may develop a supplemental funding program to be known as the "High-Priority Teacher Recruitment Program" that:

(1) Provides financial rewards to colleges and universities that prepare teachers and administrators from underrepresented minorities, teachers and administrators who teach in high-priority schools or school districts, or both;

(2) Provides incentives to high-priority schools or districts to encourage changes in teaching and learning environments, to help prevent high-quality teachers from leaving for other schools, and to create the instructional environments that give all students the opportunity to achieve high academic standards;

(3) Funds innovative partnerships between schools and health and social service agencies to ensure that students' noneducational needs are addressed through appropriate and effective mechanisms that do not become barriers to teaching and learning; and

(4) Funds partnerships between teacher education programs and grades prekindergarten through twelve (preK-12) school districts with emphasis on partnerships that prepare teachers and administrators to work in high-priority schools or districts.

(e) For purposes of this section, a “high-priority school or district” means a school or school district with:

(1) Seventy-five percent (75%) or more of its students scoring below proficient on fourth grade or eighth grade statewide student assessments in the two (2) immediately preceding school years; or

(2) Unacceptably wide achievement gaps as determined by the Division of Elementary and Secondary Education in conjunction with the Commission on Closing the Achievement Gap in Arkansas.

History. Acts 2003, No. 1745, § 1; 2003 (2nd Ex. Sess.), No. 100, § 1; 2005, No. 1962, § 11; 2007, No. 1573, § 57; 2019, No. 910, §§ 1371-1376; 2021, No. 544, § 28.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” and “Division of Higher Education” for “Department of Higher Education” throughout the section.

The 2021 amendment substituted “statewide student assessments” for “benchmark exams” in (e)(1).

SUBCHAPTER 4 — LICENSURE GENERALLY

SECTION.

- 6-17-401. Teacher’s license requirement.
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- 6-17-427. Superintendent license — Superintendent mentoring program required.
- 6-17-428. Ethical violations — Definitions.
- 6-17-429. Right to Read Act — Definitions.
- 6-17-430. Licensing of noncitizens.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-401. Teacher's license requirement.

(a) Except as permitted under § 6-17-309 and § 6-17-2601 et seq., no teacher shall be employed in any public school of the state who is not licensed to teach in the State of Arkansas by a license issued by the State Board of Education.

(b) Any person who shall teach in a public school in this state shall only be entitled to receive any compensation from the school funds for such services if the person has:

(1) A valid license issued by the state board; or

(2) Other documentation from the Office of Professional Licensure of the Division of Elementary and Secondary Education authorizing employment as a teacher under the conditions set forth by the Division of Elementary and Secondary Education in the documentation.

History. Acts 1931, No. 169, § 164; Pope's Dig., § 11606; A.S.A. 1947, § 80-1209; Acts 1993, No. 294, § 11; 1999, No. 1078, § 60; 2005, No. 2151, § 1; 2007, No. 169, § 2; 2007, No. 710, § 2; 2019, No. 910, § 1377.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" twice in (b)(2).

6-17-402. Rules.

(a) The State Board of Education shall issue the license of a classroom teacher, an administrator, a guidance counselor, or a library media specialist.

(b) The State Board of Education shall promulgate rules for the issuance, licensure, relicensure, and continuance of licensure of teachers in the public schools of this state that:

(1) Require at a minimum that each in-state applicant for teacher licensure:

(A) Completes an educator preparation program approved by the Division of Elementary and Secondary Education, which shall include without limitation:

(i) Educator preparation programs at institutions of higher education leading to a bachelor's degree or higher; and

(ii) Alternative educator preparation programs under § 6-17-409; and

(B) Demonstrates:

(i) Licensure content area knowledge; and

(ii) Knowledge of teaching methods; and

(2) Require at a minimum that each in-state applicant for an administrator's license demonstrates knowledge of state-adopted competencies and standards for educational leaders.

(c)(1) The State Board of Education may promulgate rules for a tiered system of licensure, which may include without limitation:

(A) An emergency teaching permit;

(B) A technical permit;

(C)(i) A provisional license.

(ii) The State Board of Education rules may provide that a provisional license may be issued if the applicant:

(a) Meets the minimum qualifications under subdivisions (b)(1) and (2) of this section as applicable to an applicant for a teaching or an administrator license; or

(b) Partially meets full licensure requirements;

(D) A novice or first-time license;

(E) A standard license; and

(F)(i) A license with advanced requirements.

(ii) The State Board of Education may authorize a teacher leader advanced license or a teacher leader endorsement to a license.

(2)(A) In addition to other requirements:

(i) A person applying for first-time licensure as a secondary-level teacher or as an administrator in the public schools or a licensed secondary-level teacher, a licensed elementary general education teacher, or an administrator applying for a license in an additional area shall take and complete a test approved by the State Board of Education, and submit the scores to the division; and

(ii)(a) A person applying for first-time licensure for an elementary education kindergarten through grade six (K-6) license or a special education kindergarten through grade twelve (K-12) license shall:

(1) Pass a:

(A) Subject matter content assessment; and

(B) Stand-alone assessment that examines the acquisition of knowledge of essential components of beginning reading instruction based on the science of reading; and

(2) Demonstrate pedagogical competence.

(b) The requirements under subdivision (c)(2)(A)(ii)(a) of this section shall apply to a person who:

(1) Enters a teacher preparation program beginning in the 2017-2018 academic year or thereafter for a first-time elementary level K-6 license or special education K-12 license or endorsement; and

(2) Upon adoption of the stand-alone reading assessment under subdivision (c)(2)(A)(ii)(a)(1)(B) of this section, is seeking to add the elementary education K-6 license level by testing out.

(c) A person who enters an alternative educator preparation program beginning in the 2017-2018 academic year and receives an elementary education K-6 provisional license or a special education K-12 provisional license shall take and pass the stand-alone reading

assessment under subdivision (c)(2)(A)(ii)(a)(1)(B) of this section in order to receive a standard license.

(d)(1) The recommendation for the adoption of a stand-alone reading assessment shall be made by a diverse group of stakeholders.

(2) The stakeholders shall recommend a testing company for the stand-alone reading assessment that provides an extensive practice test that enables prospective teachers to practice the kinds of skills taught in their teacher preparation programs so they can learn how to teach reading skills and diagnose reading problems.

(e) The stand-alone reading assessment adopted by the State Board of Education shall:

(1) Include an adequate number of assessment items to ensure instructional knowledge of reading that is based on evidence-based practices related to the science of reading;

(2) Ensure that at least fifty percent (50%) of the items assess instructional knowledge for beginning reading and are based on evidence-based practices related to the science of reading;

(3) Include at least one (1) open-response question so that test takers can indicate how well they can demonstrate in writing their diagnostic interpretation of student reading errors; and

(4) Include a clear distinction between reading elements in and skills needed for literary and formation texts in order to address the English language arts standards as determined by the State Board of Education.

(f) The State Board of Education shall determine the cut score for the stand-alone reading assessment with strong consideration based on the national mean if the national mean is not less than seventy percent (70%) correct answers on the stand-alone reading assessment.

(B) An applicant for initial licensure or licensure in an additional area shall not receive a license after July 1, 2007, unless the applicant scores at or above the minimum level set by the State Board of Education that is consistent with the recommendations of the Professional Licensure Standards Board.

(d)(1) The State Board of Education shall approve the methods required for applicants to meet the requirements of this section.

(2) The teacher preparation programs for licensure in this state shall report the results of the examinations to the division upon request.

(e) The State Board of Education shall not delegate to a college or university any of the State Board of Education's powers or duties pertaining to the issuance, licensure, relicensure, and continuance of licensure of teachers in public schools in this state.

(f) The State Board of Education shall promulgate rules for the licensure of individuals through reciprocity with other states under § 6-17-403.

(g) The State Board of Education shall waive the examination requirements under subsection (c) of this section for an individual applying for a first-time Arkansas license who has a valid out-of-state

teaching license and three (3) years' documented teaching experience as required by the rules promulgated by the State Board of Education.

(h) A teacher who has less than three (3) years' documented teaching experience shall have up to three (3) years to pass the stand-alone reading assessment, during which the teacher may work under a provisional license.

(i) The State Board of Education may establish by rule minimum qualified teacher requirements for teachers employed where licensure has been waived pursuant to law.

(j) Rules of the State Board of Education shall identify the following as core licensure content areas:

- (1) Elementary Education (K-6);
- (2) English language arts;
- (3) Mathematics;
- (4) Science;
- (5) Social Studies;
- (6) Art;
- (7) Music; and
- (8) Foreign Language.

(k)(1) The State Board of Education may promulgate rules to reinstate a revoked teaching license.

(2) Rules promulgated under subdivision (k)(1) of this section shall include without limitation the following:

(A) Information and requirements regarding an application for reinstatement of a revoked teaching license; and

(B) The use of evidence by the State Board of Education to determine whether the applicant for reinstatement of a revoked teaching license:

- (i) Is rehabilitated, recovered, or in recovery, as applicable;
- (ii) Has made restitution, as applicable;
- (iii) Is currently fit to return to an educational environment appropriate to the licensure level of the applicant; and
- (iv) Does not pose a threat to the health, safety, and welfare of public school students and public school employees.

(3) An individual whose teaching license was revoked following an ethics complaint under § 6-17-428 shall release to the State Board of Education any confidential information regarding the ethics complaint made against the individual upon the individual's application for reinstatement of his or her revoked teaching license.

(4) Except as provided under subdivision (k)(6) of this section, an applicant for reinstatement of a revoked teaching license shall not apply for reinstatement of his or her revoked teaching license until:

(A) Ten (10) years after the date of revocation of the teaching license for:

- (i) A felony disqualifying offense under § 6-17-410; or
- (ii) An ethics violation under § 6-17-428; or

(B) Five (5) years after the date of revocation for any other reason not identified under subdivision (k)(4)(A) of this section.

(5) If an applicant for reinstatement of a revoked teaching license has a true report in the Child Maltreatment Central Registry, the State Board of Education may reinstate the applicant's revoked teaching license with or without a hearing if the applicant provides evidence from the Department of Human Services that the department has removed the applicant's name from the Child Maltreatment Central Registry.

(6) The State Board of Education shall not reinstate a revoked teaching license when the reason for the revocation concerned the:

- (A) Physical or sexual injury of another person;
- (B) Physical or sexual abuse of another person;
- (C) Physical mistreatment of another person resulting in death; or
- (D) Sexual mistreatment of another person.

History. Acts 1979, No. 162, § 1; 1981, No. 814, § 1; 1983, No. 736, § 1; 1983 (1st Ex. Sess.), No. 5, § 1; 1985, No. 746, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 414, § 1; 2003, No. 754, § 1; 2005, No. 2151, § 2; 2007, No. 169, § 3; 2007, No. 846, § 1; 2011, No. 989, § 35; 2013, No. 1073, § 22; 2015, No. 1090, § 3; 2017, No. 294, § 3; 2017, No. 416, § 1; 2019, No. 540, § 1; 2019, No. 628, § 1; 2019, No. 692, § 16; 2019, No. 757, § 34; 2019, No. 910, §§ 1378, 1379.

Amendments. The 2019 amendment by No. 540 rewrote (c)(2)(A)(ii)(a).

The 2019 amendment by No. 628 substituted "Elementary education" for "Early Childhood" in (j)(1); and added (k).

The 2019 amendment by No. 692 confirmed the 2017 codification decision of the Arkansas Code Revision Commission.

The 2019 amendment by No. 757 substituted "Elementary Education" for "Early Childhood" in (j)(1).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (b)(1)(A); and substituted "division" for "department" in (d)(2).

6-17-403. Provisional licensure for teachers trained and licensed in other states.

(a) The State Board of Education may issue a one-year nonrenewable provisional license to any teacher who seeks Arkansas licensure and is trained in and licensed by a state other than Arkansas if the teacher has been in good standing during the most recent three (3) years of teaching in another state.

(b)(1) A person who has not successfully completed the licensure tests required under § 6-17-402 and who has not previously held an Arkansas standard license but meets degree, course work, and experience requirements for a standard license and who otherwise qualifies to teach in the public schools of this state may receive a three-year nonrenewable provisional license and be employed by any public school district in this state for a period not to exceed three (3) years while completing the professional development, course work, or training necessary to successfully pass the stand-alone reading assessment under § 6-17-402.

(2) A school district that hires a teacher who has not successfully completed the licensure tests required under § 6-17-402 shall not be

penalized by the state board provided that the length of employment of the teacher while nonlicensed does not exceed one (1) year.

(c) The state board shall issue a standard five-year teaching license to an individual who furnishes to the Division of Elementary and Secondary Education proof of the following:

(1) A valid, standard teaching license or its Arkansas equivalent that:

(A) Was issued in another state; and

(B) Has been in good standing during the most recent three (3) years of the applicant's teaching experience;

(2) Successful completion of the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410;

(3) Higher education transcripts evidencing the award of at least a baccalaureate degree;

(4) Successful completion of the licensure tests required under § 6-17-402;

(5) Completion of a program for:

(A) Teacher education at a nationally or regionally accredited institution of higher education;

(B) Teacher education nationally accredited by an accrediting organization recognized by the United States Department of Education, the Council for Higher Education Accreditation, or the Council for the Accreditation of Educator Preparation; or

(C) Certification from the National Board for Professional Teaching Standards; and

(6) Payment of applicable licensure fees.

History. Acts 1979, No. 162, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 307, § 1; 2005, No. 2151, § 3; 2011, No. 989, § 36; 2011, No. 1178, § 1; 2013, No. 454, § 1; 2013, No. 1073, § 23; 2015, No. 1090, § 4; 2017, No. 416, § 1; 2019, No. 910, § 1380.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (c).

6-17-406. License revocation generally — Superintendents and supervisors.

The State Board of Education may revoke the license of any superintendent or supervisor in any and every instance where the Secretary of the Department of Finance and Administration has found it necessary to proceed upon the bond of the superintendent or supervisor to recover funds wrongfully used. Revocation shall be mandatory in any and every instance where there is recovery on the bond.

History. Acts 1949, No. 289, § 1; A.S.A. 1947, § 80-1214.1; Acts 2019, No. 910, § 3366.

Amendments. The 2019 amendment substituted "Secretary" for "Director".

6-17-409. Alternative educator preparation programs — Definitions.

(a) As used in this section, “alternative educator preparation program” means a program of study approved by the Division of Elementary and Secondary Education for candidates holding a bachelor’s degree who are preparing for licensure as teachers and leaders in public schools in this state.

(b)(1) The State Board of Education may offer and operate an alternative educator preparation program.

(2)(A) The division may provide grants of financial assistance to entities that train individuals seeking to obtain licensure through an alternative educator preparation program administered by the division.

(B) The division shall pay the grants from funds appropriated by the General Assembly to the division for such purpose.

(C) The State Board of Education shall promulgate rules to determine eligibility for and amount of awards of the grants concerning the operation of the alternative educator preparation program authorized by this section and for such other purposes as may be necessary in carrying out the intent of this section.

(3) The division may refuse to admit for enrollment in the alternative educator preparation program administered by the division a person who has been dismissed from a teacher education program at an institution of higher education.

(4) If the State Board of Education requires an applicant for licensure through an alternative educator preparation program to complete one (1) or more additional college-level courses and the applicant has obtained a bachelor’s degree, the required course or courses shall be available as an online course, a traditional face-to-face course, or a hybrid course that is part online instruction and part face-to-face instruction, as approved by the division.

(c) The State Board of Education may promulgate rules for the requirements for educator licensure through other alternative educator preparation programs, including without limitation:

(1) A teacher or leader academy;

(2) A residency program at a public school, which may be in partnership with an educator preparation program at an institution of higher education;

(3) The Teach For America, Inc., program;

(4) The Arkansas Teacher Corps program of the University of Arkansas at Fayetteville;

(5) The American Board for the Certification of Teacher Excellence program;

(6) Another alternative educator preparation program approved by the division;

(7) A program conferring a master’s degree in teaching from an accredited program at an institution of higher education; or

(8) An alternative educator preparation program or pathway for an applicant who has professional work experience in the content area in which the applicant desires to obtain a license.

(d)(1) The State Board of Education shall issue to an applicant who is in an alternative educator preparation program a provisional teaching license that is issued under the state board's rules governing provisional licensure.

(2) The provisional license is valid for the entire period that the applicant:

(A) Is participating in the alternative educator preparation program;

(B) Has not been determined to have an ethics violation under § 6-17-428; and

(C) Is teaching in an Arkansas public school.

(e) The State Board of Education may require an applicant for licensure under this section to submit proof of the following academic eligibility:

(1)(A) Passing scores, as set by the state board, on subject matter content-area assessments or their substantial equivalents.

(B) As used in this subdivision (e)(1), "substantial equivalents" includes without limitation the assessments required by the American Board for the Certification of Teacher Excellence program and any alternative method of demonstrating subject matter content competency identified by the State Board of Education under § 6-15-1004.

(C) An individual under this section shall demonstrate pedagogical competence;

(2) Successful completion of professional educator ethics training identified by rules of the State Board of Education; and

(3) As required by State Board of Education rules for the grade level and content area for which the applicant seeks licensure, successful completion of courses in Arkansas history or reading and writing in content areas, or both.

(f) No academic or experience requirements for obtaining an Arkansas teaching license in addition to those identified in subsections (c)-(e) of this section shall be imposed on an applicant who has completed one of the programs under subdivisions (c)(3)-(5) and who otherwise meets the requirements of this section by:

(A) The State Board of Education;

(B) The division; or

(C) An Arkansas state-funded college or university.

(g) Each applicant for a provisional license under this section shall successfully complete the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410 before the division may issue the license.

History. Acts 1991, No. 308, § 1; 2005, No. 2151, § 17; 2007, No. 704, § 1; 2011, No. 989, § 37; 2011, No. 1178, § 2; 2013, No. 413, § 1; 2013, No. 454, §§ 2, 3; 2013 (1st Ex. Sess.), No. 2, § 1; 2015, No. 1090, §§ 5, 6; 2015, No. 1121, §§ 1, 2; 2017, No. 294, § 4; 2017, No. 416, § 2; 2019, No. 540, § 2; 2019, No. 692, § 17; 2019, No. 910, §§ 1381, 1382.

Amendments. The 2019 amendment by No. 540 substituted “subject matter” for “state-required pedagogical and” in (e)(1)(A); substituted “any” for “an” in

(e)(1)(B); added (e)(1)(C); and made a stylistic change.

The 2019 amendment by No. 692 confirmed the 2017 codification decision of the Arkansas Code Revision Commission, which did not give effect to Acts 2017, No. 416, § 2.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a); and substituted “division” for “department” throughout (b) and (g).

6-17-410. Teacher licensure — Application, renewal application, revocation, suspension, and probation — Definitions.

(a)(1)(A)(i) An applicant for a license issued by the State Board of Education, an applicant for license renewal, and a preservice teacher shall apply to the Identification Bureau of the Division of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Division of Arkansas State Police and the Federal Bureau of Investigation.

(ii) The check shall conform to the applicable federal standards and shall include the taking of fingerprints as required under § 6-17-417.

(iii) The Identification Bureau of the Division of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) An institution of higher education is not required to bar a student from enrollment in an educator preparation program due to a disqualifying offense.

(B) The applicant shall sign a release of information to the Division of Elementary and Secondary Education and shall be responsible for the payment of any fee associated with the criminal records check.

(2) Upon completion of the criminal records check, the Identification Bureau of the Division of Arkansas State Police shall forward all releasable information obtained concerning the applicant to the Division of Elementary and Secondary Education.

(3)(A) An applicant for a license issued by the state board, an applicant for license renewal, and a preservice teacher are required to request through the Division of Elementary and Secondary Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The applicant shall sign a release of information to the Division of Elementary and Secondary Education and is responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The department shall forward all releasable information concerning the applicant to the Division of Elementary and Secondary Education upon completion of the Child Maltreatment Central Registry check.

(D) An institution of higher education is not required to bar a student from enrollment in an educator preparation program due to a true report in the Child Maltreatment Central Registry.

(b)(1) The state board may issue a six-month nonrenewable letter of provisional eligibility for licensure pending the results of the criminal records check and the Child Maltreatment Central Registry check. However, the Commissioner of Elementary and Secondary Education may extend the period of provisional eligibility to the end of that contract year if:

(A) The applicant is employed by a school district or open-enrollment public charter school; and

(B) The results of the criminal records check or the Child Maltreatment Central Registry check are delayed.

(2)(A) Upon receipt of information from the Identification Bureau of the Division of Arkansas State Police that the person holding a letter of provisional eligibility for licensure has pleaded guilty or nolo contendere to or has been found guilty of any offense listed in subsection (c) of this section, the state board shall immediately revoke the provisional eligibility.

(B) A sealed, expunged, or pardoned conviction shall not disqualify a person under this section if the conviction does not involve the physical or sexual injury, mistreatment, or abuse of another.

(3) If the Division of Elementary and Secondary Education receives information from the department that the person holding a letter of provisional eligibility for teacher licensure has a true report in the Child Maltreatment Central Registry, the state board shall immediately revoke the provisional eligibility of the teacher licensure applicant.

(c) The state board shall not issue a first-time license or renew an existing license and shall revoke an existing license not up for renewal of a person who has a true report in the Child Maltreatment Central Registry or who has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by a court in the State of Arkansas or of any similar offense by a court in another state or by a federal court:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

(3) Manslaughter as prohibited in § 5-10-104;

(4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;

(5) Aggravated assault as prohibited in § 5-13-204, and assault in the first degree as prohibited by § 5-13-205;

(6) Terroristic threatening in the first degree as prohibited in § 5-13-301;

- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) A violation of the Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-301 et seq., or the use of a child in a sexual performance as prohibited by §§ 5-27-402 and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205, or endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (16) False imprisonment in the first degree as prohibited in § 5-11-103;
- (17) Permanent detention or restraint as prohibited in § 5-11-106;
- (18) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (19) Negligent homicide as prohibited by § 5-10-105(a);
- (20) Coercion as prohibited by § 5-13-208;
- (21) Public sexual indecency as prohibited by § 5-14-111;
- (22) Indecent exposure as prohibited by § 5-14-112;
- (23) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (24) Computer child pornography as prohibited in § 5-27-603;
- (25) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (26) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and 5-36-202;
- (27) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (28) Breaking or entering as prohibited by § 5-39-202;
- (29) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (30) Forgery as prohibited by § 5-37-201;
- (31) Video voyeurism as prohibited by § 5-16-101, and voyeurism as prohibited under § 5-16-102;
- (32) Domestic battering in the first degree as prohibited by § 5-26-303;
- (33) Domestic battering in the second degree as prohibited by § 5-26-304;
- (34) Felony violation of an order of protection as prohibited by § 5-53-134;
- (35) Prostitution as prohibited by § 5-70-102;
- (36) Sexual solicitation as prohibited by § 5-70-103;
- (37) Promoting prostitution in the first degree as prohibited by § 5-70-104;

- (38) Promoting prostitution in the second degree as prohibited by § 5-70-105;
 - (39) Stalking as prohibited by § 5-71-229;
 - (40) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;
 - (41) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another person;
 - (42) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
 - (43) Sexual extortion, § 5-14-113;
 - (44) Failure to comply with the registration and reporting requirements of § 12-12-904;
 - (45) Trafficking of a person as prohibited by § 5-18-103;
 - (46) Patronizing a victim of human trafficking as prohibited by § 5-18-104;
 - (47) Aggravated assault on a family member or household member as prohibited by § 5-26-306;
 - (48) Computer crimes against a minor as prohibited by § 5-27-601 et seq.; and
 - (49) Sexually grooming a child as prohibited by § 5-27-307.
- (d)(1) For the purposes of this subsection:
- (A) "Cause" means any of the following:
 - (i) Holding a license obtained by fraudulent means;
 - (ii) Revocation of a license in another state;
 - (iii) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Division of Elementary and Secondary Education;
 - (iv) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Division of Elementary and Secondary Education by the testing company;
 - (v) Having a sealed, an expunged, or a pardoned conviction for any offense in subsection (c) of this section that involves the physical or sexual injury, mistreatment, or abuse of another person;
 - (vi) Being subject to the provisions of § 12-12-905;
 - (vii) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules for teacher licensure;
 - (viii) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Division of Elementary and Secondary Education, the state board, or Arkansas Legislative Audit;
 - (ix) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period;
 - (x) Having a true report in the Child Maltreatment Central Registry;

(xi) Violating any other provision of state law for which the penalty is the suspension or revocation of a teacher's license; or

(xii) Undergoing an involuntary commitment for a physical or mental illness that endangers the health, safety, welfare, or education of a student, as determined by a licensed health professional, until the person provides documentation from a licensed health professional of treatment of the physical or mental illness and the person's current fitness; and

(B) "Child" means a person under twenty-one (21) years of age or enrolled in the public schools of the State of Arkansas.

(2) For cause as stated in this subsection, the state board is authorized to:

(A) Revoke a license permanently;

(B) Suspend a license for a terminable period of time or indefinitely; or

(C) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

(e)(1) Before taking an action under subsection (c) or subsection (d) of this section, the state board shall provide a written notice of the reason for the action and shall afford the person against whom the action is being considered the opportunity to request a hearing.

(2) A written request for a hearing must be received by the state board no more than thirty (30) days after the notice of the denial, nonrenewal, or revocation of the license is received by the person who is the subject of the proposed action.

(3) Upon written notice that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:

(A) Decline to answer the notice, in which case the state board shall hold a hearing to establish by a preponderance of the evidence that cause for the proposed action exists;

(B)(i) Contest the complaint and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested.

(ii) If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in subdivision (e)(3)(A) of this section;

(C) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty that may be assessed; or

(D) Stipulate or reach a negotiated agreement, which must be approved by the state board.

(f)(1)(A) The revocation provisions of subsection (c) of this section may be waived, or a license may be suspended or placed on probation by the state board upon request by:

(i) The board of directors of a school district or open-enrollment public charter school;

(ii) An affected applicant for licensure;

(iii) The person holding a license subject to revocation; or

(iv) An unlicensed individual admitted to a teacher preparation program approved by the Division of Elementary and Secondary Education.

(B) A waiver granted under subdivision (f)(1)(A) of this section shall operate as a waiver of the disqualification for employment for the same offense under § 6-17-411.

(2) Circumstances for which a waiver may be granted shall include without limitation the following:

(A) The age at which the crime or incident was committed;

(B) The circumstances surrounding the crime or incident;

(C) The length of time since the crime or incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(3)(A) An unlicensed individual who is disqualified from licensure by subsection (c) of this section may apply for a waiver before applying for licensure by submitting to the Division of Elementary and Secondary Education:

(i) Written request for a hearing;

(ii) Proof of acceptance or enrollment in a teacher preparation program approved by the Division of Elementary and Secondary Education; and

(iii) Written recommendation from the teacher preparation program.

(B) If the state board approves a waiver after a hearing, the individual may obtain a license only upon:

(i) Successful completion of the teacher preparation program; and

(ii) Fulfillment of all other requirements for licensure.

(C) A waiver granted under subdivision (f)(3)(A) of this section also shall operate as a waiver under § 6-17-414 for an unlicensed individual to work for a school district as a student teacher.

(g)(1) The superintendent of each school district or open-enrollment public charter school shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the school district or open-enrollment public charter school who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (c) of this section;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Division of Elementary and Secondary Education;

(E) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Division of

Elementary and Secondary Education, the state board, or Arkansas Legislative Audit;

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Division of Elementary and Secondary Education rules for teacher licensure; or

(G) Has a true report in the Child Maltreatment Central Registry.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

(h)(1) Any information received by the Division of Elementary and Secondary Education from the Identification Bureau of the Division of Arkansas State Police or the department pursuant to subsection (a) of this section shall not be available for examination except by the affected applicant for licensure or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Division of Elementary and Secondary Education.

(2) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(i) The state board shall adopt the necessary rules to fully implement the provisions of this section.

(j) As used in this section:

(1) "Preservice teacher" means an unlicensed individual who is accepted or enrolled in a teacher preparation program approved by the Division of Elementary and Secondary Education; and

(2) "Supervised clinical practice" means the placement of a preservice teacher by a teacher education program approved by the Division of Elementary and Secondary Education at the educational entity for the purpose of the student completing an internship or a student teaching experience required by the teacher education program.

History. Acts 1995, No. 1310, § 1; 1997, No. 1272, § 2; 1997, No. 1313, § 2; 1999, No. 226, § 1; 2001, No. 752, § 1; 2003, No. 1087, § 9; 2003, No. 1389, § 1; 2003, No. 1738, § 3; 2005, No. 2151, § 5; 2007, No. 1573, § 23; 2009, No. 376, § 24; 2009, No. 1173, §§ 1-8; 2013, No. 455, § 1; 2015, No. 1089, §§ 1-5; 2017, No. 367, § 7; 2017, No. 664, § 3; 2017, No. 746, §§ 1-4; 2019, No. 536, §§ 1-4; 2019, No. 910, §§ 1383-1394; 2021, No. 985, § 1.

Amendments. The 2019 amendment by No. 536 rewrote (b)(2)(B); added "and assault in the first degree as prohibited by § 5-13-205" in (c)(5); rewrote (c)(11); added "or endangering the welfare of a minor in the second degree as prohibited by § 5-27-206" in (c)(15); deleted former

(c)(16), (c)(21), and (c)(25) and redesignated the remaining subdivisions accordingly; added "and voyeurism as prohibited under § 5-16-102" in (c)(31); added (c)(45) through (c)(48); in (d)(1)(A)(v), deleted "sexual or physical abuse offense committed against a child or any" preceding "offense" and added "that involves the physical or sexual injury, mistreatment, or abuse of another person"; added (d)(1)(A)(xi) and (d)(1)(A)(xii); and made stylistic changes.

The 2019 amendment by No. 910 substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" in (a)(1)(A)(i) twice and in (a)(2) and (h)(1); substituted "Division of Elementary and Secondary Education" for

"Department of Education" throughout the section; and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in the introductory language of (b)(1).

The 2021 amendment deleted "member as prohibited" following "member as prohibited" in (c)(47); and added (c)(49).

6-17-411. Criminal records check as a condition for initial employment of licensed personnel — Definitions.

(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section, the board of directors of an educational entity shall require as a condition for initial employment by the educational entity that any person holding a license issued by the State Board of Education and making application for employment authorize release to the Division of Elementary and Secondary Education the results of:

(i) Statewide and nationwide criminal records checks by the Identification Bureau of the Division of Arkansas State Police, which conform to the applicable federal standards and include the taking of the applicant's fingerprints; and

(ii) The Child Maltreatment Central Registry check by the Department of Human Services.

(B)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivision (a)(1)(A) of this section for personnel who were employed by an affected district immediately before the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(B)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks or the Child Maltreatment Central Registry checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check and the Child Maltreatment Central Registry check.

(3) At the conclusion of the criminal records check required by this section, the bureau may maintain the fingerprints in the automated fingerprint identification system.

(4)(A) Any information received by the Division of Elementary and Secondary Education from the bureau or the department under this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Division of Elementary and Secondary Education.

(B) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the criminal records background check and the Child Maltreatment Central Registry check.

(5)(A) Upon completion of the statewide and nationwide criminal records background checks and the Child Maltreatment Central Registry check, the bureau or the department shall forward all releasable information to the Division of Elementary and Secondary Education.

(B) Within thirty (30) days of receiving all releasable information that has been forwarded by the bureau and the department under subdivision (a)(5)(A) of this section, the Division of Elementary and Secondary Education shall inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided under subsection (b) of this section.

(b)(1)(A) No person holding a license from the state board shall be eligible for employment by an educational entity if the results of the criminal records check released to the Division of Elementary and Secondary Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of any offense that will or may result in license revocation by the state board under § 6-17-410, unless the state board waives revocation.

(B) No person holding a license issued by the state board shall be eligible for employment by an educational entity if the results of the Child Maltreatment Central Registry check released to the Division of Elementary and Secondary Education reveal that the applicant has a true report in the Child Maltreatment Central Registry, unless the state board waives revocation under § 6-17-410.

(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending notification from the Division of Elementary and Secondary Education that the:

(A) Applicant is eligible for employment based on the background checks; or

(B) State board has waived the disqualifying offense or placement on the Child Maltreatment Central Registry.

(c) The board of directors of an educational entity shall require as a condition for supervised clinical practice at the educational entity that a preservice teacher seeking to conduct his or her supervised clinical practice shall authorize the release to the Division of Elementary and Secondary Education of the results of the criminal records background check and Child Maltreatment Central Registry check required under subdivision (a)(1)(A) of this section.

(d) As used in this section:

(1) "Educational entity" means:

(A) The Division of Elementary and Secondary Education; or

(B) An entity that is identified by the Division of Elementary and Secondary Education as a local education agency, except that for a

public school operated by a school district the school district is the educational entity;

(2) "Preservice teacher" means an unlicensed individual who is accepted or enrolled in a teacher preparation program approved by the Division of Elementary and Secondary Education; and

(3) "Supervised clinical practice" means the placement of a preservice teacher by a teacher education program approved by the Division of Elementary and Secondary Education at the educational entity for the purpose of the student completing an internship or student teaching experience required by the teacher education program.

History. Acts 1997, No. 1313, § 3; 2003, No. 42, § 1; 2005, No. 2151, § 6; 2009, No. 1173, §§ 9-12; 2013, No. 455, § 2; 2015, No. 1089, §§ 6, 7; 2019, No. 910, § 1395; 2019, No. 1040, § 1.

Amendments. The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section; and substituted "Division of

Arkansas State Police" for "Department of Arkansas State Police" in (a)(1)(A)(i), (a)(3), and (a)(4)(A).

The 2019 amendment by No. 1040 substituted "the criminal records background check and the Child Maltreatment Central Registry check" for "this background check" in (a)(4)(C); rewrote (a)(5); and made a stylistic change.

6-17-412. National Board for Professional Teaching Standards certification — Definitions.

(a) As used in this section and § 6-17-413:

(1) "Classroom teacher" means an individual who is required to hold a teaching license from the Division of Elementary and Secondary Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(2) "National board" means the National Board for Professional Teaching Standards;

(3) "Starting bonus" means a one-time bonus given during the school year in which an individual first obtains national board certification; and

(4) "Yearly bonus" means a bonus that is given once every school year following the year of initial certification.

(b)(1) The national board was established in 1987 as an independent nonprofit organization to establish high and rigorous standards for teachers, to develop and operate a national voluntary system to assess and certify teachers who meet these standards, and to advance related education reforms for the purpose of improving student learning in the United States.

(2) In order to apply for the national board certification process, the national board requires teachers to have three (3) years or more of teaching experience, to have graduated from an accredited college or university, and to possess a valid state teaching license.

(3) A teacher may become national board certified by successfully completing a year-long certification process in which the teacher must develop a portfolio of student work and videotapes of teaching and

learning activities for national board review, participate in the national board assessment center simulation exercises, and successfully pass an examination testing content knowledge.

(c)(1) The State Board of Education may issue a standard Arkansas teaching license to any teacher, building-level principal, or building-level assistant principal trained in and licensed by a state other than Arkansas who seeks Arkansas licensure and who has received national board certification from the national board while teaching in a state other than Arkansas.

(2) Any applicant under subdivision (c)(1) of this section who seeks employment as an Arkansas teacher, building-level principal, or building-level assistant principal shall not have to comply with § 6-17-402 or § 6-17-403 but shall comply with § 6-17-410.

History. Acts 1997, No. 1225, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1).
2001, No. 1060, § 1; 2011, No. 989, § 38;
2019, No. 910, § 1396.

Amendments. The 2019 amendment

6-17-413. National Board for Professional Teaching Standards certification funding — Bonuses — Definitions.

(a)(1)(A) The Division of Elementary and Secondary Education shall pay the full amount of the participation fee of the National Board for Professional Teaching Standards and provide, if determined to be necessary by the division, substitute pay for a maximum of three (3) days of approved paid leave for teachers selected by the State Board of Education to participate in the program of the national board.

(B) A teacher shall have completed at least three (3) years of teaching in the Arkansas public school system before applying for the assistance under this section and § 6-17-412 and shall not have previously received state funding for participation in any certification area in the program of the national board.

(2)(A) The State Board of Education shall promulgate rules for the selection process of teacher participants in the program of the national board.

(B) The number of teacher participants each year will be determined by the amount of funding available for the program.

(3)(A) The division shall pay a yearly incentive bonus of five thousand dollars (\$5,000) for no more than ten (10) school years or, in the case of a recertification obtained before January 1, 2018, for the life of the recertification to any classroom teacher, building-level principal, or building-level assistant principal who:

(i) Is selected by the State Board of Education to participate in the program of the national board;

(ii) Successfully completes the certification process of the national board;

(iii) Has begun the certification process or has received certification or recertification of the national board before January 1, 2018; and

(iv) Is, at the time of receiving the bonus:

(a) Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district; or

(b)(1) After working a minimum of three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district, employed full time as a teacher in an accredited teacher preparation program at a state-supported institution of higher education.

(2)(A) Only teachers who hold national board certification on or after August 1, 2009, shall be eligible for a bonus for employment as provided under this subdivision (a)(3)(A)(iv)(b) if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i) of this section.

(B) However, a bonus payment shall not be made retroactive.

(B)(i) A teacher certified by the national board who moves into the state on or before January 1, 2017, and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the person is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in a local public school district for no more than ten (10) school years.

(ii) A teacher who holds national board certification on or after August 1, 2009, who moves into the state on or before January 1, 2017, shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the teacher is employed full time for no more than ten (10) school years if, after working for three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district in this state, the teacher is employed as a teacher in an accredited teacher preparation program at a state-supported institution of higher education if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i) of this section.

(C) The increased incentive bonuses provided in this section shall not be retroactive.

(D) No person shall receive a starting bonus and a yearly incentive for the same school year.

(E) A person shall not receive either a starting bonus or a yearly incentive bonus, irrespective of the person's past participation in the certification of the national board, as a teacher, building-level principal, or building-level assistant principal in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of higher education if the person:

(i) Leaves the full-time employment of an Arkansas public school district;

(ii) Becomes employed as a school district-level central office administrator;

(iii) Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or

(iv) Is employed by an education service cooperative and does not teach in a classroom with students.

(F) At the time that the national board establishes a certification of the national board for school administrators and an Arkansas school district-level central office administrator becomes certified by the national board, the school district-level central office will be eligible to receive incentive bonuses in the amount awarded to teachers certified by the national board for every year for the life of the administrator certificate of the national board.

(4) The State Board of Education is authorized to promulgate rules to establish a support program for teachers selected to participate in the program of the national board.

(b)(1) A teacher who receives state moneys for the participation fee of the National Board for Professional Teaching Standards but who does not complete the certification process within three (3) years after the teacher's entry into the certification program of the national board or who becomes certified by the national board but does not teach or serve as a building-level principal or building-level assistant principal in the Arkansas public school system for three (3) continuous school years after receiving the certification by the national board shall repay the division the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly bonus.

(2) If the teacher, principal, or assistant principal leaves the employment of a public school district before the three (3) continuous years are completed and is employed by an Arkansas institution of higher education or employed by an education service cooperative and the teacher does not teach in a classroom with students, the teacher, principal, or assistant principal shall repay the division the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly salary bonus.

(3) The State Board of Education may suspend the Arkansas teacher's license of any person that fails, when required to do so, to repay moneys contributed by the division for the certification program of the national board.

(4) Repayment of moneys contributed by the division is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the national board or does not teach in the Arkansas public school system for three (3) continuous school years after completing the certification process of the national board.

(c)(1) Provisions of this section and § 6-17-412 shall apply only to the extent that funds are appropriated to the division to pay for these provisions.

(2)(A) For a member of the Arkansas Teacher Retirement System, the division shall withhold any employee contributions when necessary from the incentive bonus and shall send the employee contributions to the system for credit as a part of the member's salary.

(B) The employer contributions shall be provided from funds that are appropriated to the division to pay for the bonuses and shall be sent to the system for credit as employer contributions to match the member's salary.

(d)(1) As used in this subsection, "speech-language pathologist" means a speech-language pathologist who:

(A) Has a master's degree, which includes medical-based training;

(B) Has completed a one-year clinical fellowship;

(C) Has passed the specialty area of the National Teacher Examination; and

(D) Holds a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

(2) By December 1 of each year, the division shall pay a yearly incentive bonus of five thousand dollars (\$5,000) to a speech-language pathologist who:

(A) Holds an Arkansas teaching license in speech-language pathology;

(B) Is a full-time employee of an Arkansas education service cooperative or public school district as a speech-language pathologist at the time of receiving the bonus; and

(C) Is not considered a purchased service contractor but may be employed under a teacher contract subject to renewal under § 6-17-1506.

(3)(A)(i) Bonuses paid to a certified speech-language pathologist under this subsection shall be paid from the funds appropriated and available for bonuses to speech-language pathologists.

(ii) If sufficient funds are not available to pay the full amount of the bonus to each certified speech-language pathologist as provided under this section, the division may reduce the amount of the bonus for each qualified recipient proportionately as necessary to provide a bonus to each qualified speech-language pathologist in an equal amount.

(B) The cost and expenses related to training for or acquisition of the certificate shall not be funded through the program created under this section and § 6-17-412 but shall be the responsibility of the certified speech-language pathologist.

(4) Although a certified speech-language pathologist entitled to a bonus under this subsection will hold a valid Arkansas teaching license in speech-language pathology, references to "teacher" under this section shall mean a classroom teacher as defined under § 6-17-412(a)(1) who is in the program but not a certified speech-language pathologist.

(5)(A)(i) If a speech-language pathologist who receives a bonus under this subsection leaves employment in the Arkansas public school

system before completing three (3) continuous school years of employment, the speech-language pathologist shall repay the division a prorated portion of the bonus received in the school year based on a daily rate for the remainder of a school year in which the speech-language pathologist leaves employment.

(ii) The first year of the three (3) continuous school years is the first year that the speech-language pathologist received a bonus under this subsection (d).

(iii) The daily rate is calculated as the amount of the annual bonus paid to the speech-language pathologist divided by the number of days in the speech-language pathologist's contract.

(B) The State Board of Education may suspend the Arkansas speech-language pathology license of any person who fails to repay the amount of the bonus required to be repaid under this subdivision (d)(5).

(C) Repayment of all or a portion of a bonus under this subdivision (d)(5) is not required if, due to the death or disability of the speech-language pathologist or other extenuating circumstances as may be recognized by the State Board of Education, the speech-language pathologist does not remain employed in the Arkansas public school system for three (3) continuous school years after first receiving the bonus under this subsection.

(e)(1) The division shall pay a yearly incentive bonus to a person who:

(A) On or after January 1, 2018, began the certification process and received National Board for Professional Teaching Standards certification; and

(B) At the time of receiving the bonus is employed full-time in a public school, including an open-enrollment public charter school, as a:

- (i) Classroom teacher;
- (ii) Instructional facilitator; or
- (iii) Instructional leader.

(2) A yearly incentive bonus under this subsection shall be:

(A) Two thousand five hundred dollars (\$2,500) for a person who at the time of receiving the bonus is employed full-time in a public school, including an open-enrollment public charter school, that is not a high-poverty school or a high-poverty charter school;

(B) Five thousand dollars (\$5,000) for a person who at the time of receiving the bonus is employed full-time in a high-poverty school that is not in a high-poverty district; or

(C) Ten thousand dollars (\$10,000) for a person who at the time of receiving the bonus is employed full-time in a:

- (i) High-poverty school in a high-poverty district; or
- (ii) High-poverty charter school.

(3) A yearly incentive bonus under this subsection shall be limited as follows:

(A) A person shall not receive a two thousand five hundred dollar (\$2,500) bonus under subdivision (e)(2)(A) of this section in more than five (5) school years;

(B) A person shall not receive a five thousand dollar (\$5,000) bonus under subdivision (e)(2)(B) of this section in more than five (5) school years;

(C) A person shall not receive a ten thousand dollar (\$10,000) bonus under subdivision (e)(2)(C) of this section in more than ten (10) school years;

(D) A person shall not receive any yearly incentive bonus under this subsection in more than ten (10) school years;

(E) A person shall not receive in the same school year more than one (1) yearly incentive bonus under subdivision (e)(2) of this section; and

(F)(i) A person shall not receive in the same school year both a bonus under this subsection and a bonus under subsection (a) of this section.

(ii) A person who, as of December 1, 2017, meets the qualifications for a yearly incentive bonus under both this subsection and subsection (a) of this section may make an irrevocable election to receive future yearly incentive bonuses under this subsection by filing a written election with the division no later than July 1, 2019.

(f) As used in this section:

(1) "High-poverty charter school" means an Arkansas open-enrollment public charter school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303;

(2) "High-poverty district" means an Arkansas public school district in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303;

(3) "High-poverty school" means an Arkansas public school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303; and

(4)(A) "Instructional leader" means a building-level administrator who is responsible for evaluating teachers or instructional staff.

(B) "Instructional leader" includes without limitation a building-level administrator who is an evaluator as defined in § 6-17-2803.

History. Acts 1997, No. 1225, § 2; 1999, No. 58, § 1; 2001, No. 1060, § 2; 2003, No. 1803, § 1; 2005, No. 1187, § 1; 2009, No. 1326, § 1; 2009, No. 1449, §§ 1-4; 2011, No. 1035, §§ 1, 2; 2017, No. 937, §§ 1-3; 2019, No. 315, §§ 229, 230; 2019, No. 910, §§ 1397-1404.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (a)(2)(A) and (a)(4).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1)(A); and substituted "division" for "department" throughout the section.

6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel — Definitions.

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment in a nonlicensed staff position any person making application to apply to the Identification Bureau of the Division of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The checks shall conform to the applicable federal standards and shall include the taking of fingerprints as required under § 6-17-417.

(iii) The Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation may maintain these fingerprints in the automated fingerprint identification system.

(B)(i) The person shall sign a release of information to the Division of Elementary and Secondary Education.

(ii) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by an affected district immediately before the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(C)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2)(A) Upon completion of the criminal records check, the Identification Bureau of the Division of Arkansas State Police shall forward all releasable information obtained concerning the person to the Division of Elementary and Secondary Education, which shall promptly inform the board of directors of the educational entity whether or not the applicant is eligible for employment as provided by subsection (b) of this section.

(B) A sealed, expunged, or pardoned conviction shall not disqualify a person under this section if the conviction does not involve the physical or sexual injury, mistreatment, or abuse of another.

(3)(A) The board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment of all nonlicensed personnel a Child Maltreatment Central Registry check by the Department of Human Services.

(B) The applicant shall sign a release of information to the Division of Elementary and Secondary Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Division of Elementary and Secondary Education upon completion of the Child Maltreatment Central Registry check.

(b) A person, including without limitation nonlicensed persons who provide services as a substitute teacher, shall not be eligible for employment, whether initial employment, reemployment, or continued employment, by an educational entity in a nonlicensed staff position if the person has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by a court in the State of Arkansas or of any similar offense by a court in another state or by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204, and assault in the first degree as prohibited by § 5-13-205;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) A violation of the Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-301 et seq., or the use of a child in a sexual performance as prohibited by §§ 5-27-402 and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (15) Sexual indecency with a child as prohibited in § 5-14-110;
- (16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205, or endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;
- (19) Permitting abuse of a child as prohibited in § 5-27-221(a);

- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Coercion as prohibited by § 5-13-208;
- (22) Public sexual indecency as prohibited by § 5-14-111;
- (23) Indecent exposure as prohibited by § 5-14-112;
- (24) Computer child pornography as prohibited in § 5-27-603;
- (25) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (26) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and 5-36-202;
- (27) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (28) Breaking or entering as prohibited by § 5-39-202;
- (29) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (30) Forgery as prohibited by § 5-37-201;
- (31) Video voyeurism as prohibited by § 5-16-101, and voyeurism as prohibited under § 5-16-102;
- (32) Domestic battering in the first degree as prohibited by § 5-26-303;
- (33) Domestic battering in the second degree as prohibited by § 5-26-304;
- (34) Felony violation of an order of protection as prohibited by § 5-53-134;
- (35) Prostitution as prohibited by § 5-70-102;
- (36) Sexual solicitation as prohibited by § 5-70-103;
- (37) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (38) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (39) Stalking as prohibited by § 5-71-229;
- (40) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;
- (41) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another person;
- (42) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- (43) Sexual extortion, § 5-14-113;
- (44) Failure to comply with the registration and reporting requirements of § 12-12-904;
- (45) Trafficking of a person as prohibited by § 5-18-103;
- (46) Patronizing a victim of human trafficking as prohibited by § 5-18-104;
- (47) Aggravated assault on a family member or household member as prohibited member as prohibited by § 5-26-306; and
- (48) Computer crimes against a minor as prohibited by § 5-27-601 et seq.

(c) However, the board of directors of an educational entity is authorized to offer provisional employment to an applicant pending notification of eligibility information from the Division of Elementary

and Secondary Education, which may be provided in an electronic format.

(d)(1) Any information received by the Division of Elementary and Secondary Education from the Identification Bureau of the Division of Arkansas State Police or the department pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Division of Elementary and Secondary Education.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(e) The State Board of Education shall determine that an applicant for employment with an educational entity in a nonlicensed staff position is ineligible for employment if the applicant:

(1) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;

(2) Has a sealed, an expunged, or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;

(3) Is subject to the provisions of § 12-12-905;

(4) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Division of Elementary and Secondary Education, the state board, or Arkansas Legislative Audit;

(5) Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period;

(6) Has a true report in the Child Maltreatment Central Registry; or

(7) Has an involuntary commitment for a physical or mental illness that endangers the health, safety, welfare, or education of a student, as determined by a licensed health professional, until the person provides documentation from a licensed health professional of treatment of the physical or mental illness and the person's current fitness.

(f)(1) The superintendent or director of an educational entity or a third party vendor shall report to the state board the name of any person currently employed by the educational entity who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

(B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Division of Elementary and Secondary Education;

(C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Division of

Elementary and Secondary Education, the state board, or Arkansas Legislative Audit; or

(D) Has a true report in the Child Maltreatment Central Registry.

(2) The failure of a superintendent or director to report information as required by this subsection may result in sanctions imposed by the state board.

(g)(1)(A) The board of directors of an educational entity shall provide a written notice to an applicant and shall afford the applicant the opportunity to request a waiver if the applicant for a nonlicensed staff position has been determined ineligible for employment because the applicant:

(i) Has a true report in the Child Maltreatment Central Registry; or

(ii) Has pled guilty or nolo contendere to, has been found guilty of, or has an expunged or a pardoned conviction for a sexual or physical abuse offense committed against a child or an offense listed in subsection (b) of this section.

(B) If the applicant under this subsection is contracted through an outside vendor, the educational entity may afford the applicant the opportunity to request a waiver.

(2) The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

(3) The waiver may be requested by:

(A) The hiring official;

(B) The affected applicant; or

(C) The person subject to dismissal.

(4) Circumstances for which a waiver may be granted shall include without limitation the following:

(A) The age at which the incident was committed;

(B) The circumstances surrounding the incident;

(C) The length of time since the incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(5)(A) The board of directors of the educational entity may grant the waiver by adoption of a written resolution identifying the applicant by name and listing the specific facts and circumstances for which the waiver is being granted.

(B) After adopting a resolution granting a waiver, the board of directors of an educational entity shall immediately provide a copy of the resolution and waiver request to the Division of Elementary and Secondary Education.

(C) The resolution and waiver request are public records subject to the provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.

(6) A waiver request may be discussed and acted upon by the board of directors of an educational entity only in an open public meeting and not in an executive session.

(h) As used in this section:

(1) "Educational entity" means:

(A) The Division of Elementary and Secondary Education; or

(B) An entity that is identified by the Division of Elementary and Secondary Education as a local education agency, except that for a public school operated by a school district the school district is the educational entity; and

(2) "Nonlicensed staff position" includes a:

(A) Parental monitor on a school bus as permitted under § 6-19-127;

(B) Staff person for which the nonlicensed person is either paid directly by the educational entity or by an outside vendor under contract with the educational entity to staff the position; and

(C) Designated employee position with the Division of Elementary and Secondary Education.

(i) The state shall adopt the necessary rules to implement this section.

History. Acts 1997, No. 1314, § 1; 2003, No. 42, § 2; 2003, No. 1087, § 10; 2003, No. 1387, § 1; 2003 (2nd Ex. Sess.), No. 103, § 1; 2005, No. 2151, § 7; 2007, No. 823, § 1; 2007, No. 1573, § 24; 2009, No. 376, § 25; 2009, No. 1173, §§ 13-17; 2011, No. 984, § 2; 2013, No. 455, § 3; 2015, No. 1089, §§ 8-11; 2015, No. 1263, § 21; 2017, No. 367, § 8; 2017, No. 664, § 4; 2017, No. 746, §§ 5-9; 2019, No. 536, §§ 5-9; 2019, No. 910, §§ 1405-1414.

Amendments. The 2019 amendment by No. 536 rewrote (a)(2)(B); added "and assault in the first degree as prohibited by § 5-13-205" in (b)(5); rewrote (b)(11); added "or endangering the welfare of a minor in the second degree as prohibited by § 5-27-206" in (b)(16); deleted former

(b)(17), (b)(22), and (b)(26) and redesignated the remaining subdivisions accordingly; added "and voyeurism as prohibited under § 5-16-102" in (b)(31); added (b)(45) through (b)(48); in (c), substituted "notification" for "receipt" and substituted "department, which may be provided in an electronic format" for "Department of Education"; added (e)(7); added (i); and made stylistic changes.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section; and substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" in (a)(2)(A) and (d)(1).

6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing nonlicensed employees.

(a) It is the clear intent of the General Assembly to authorize each public school district at its discretion to require criminal background checks and Child Maltreatment Central Registry checks of existing nonlicensed employees in the same manner and subject to the same terms and conditions as set forth in this section, and §§ 6-17-414 and 6-17-416 for newly hired nonlicensed applicants.

(b)(1) Any school district that, by a vote of its local school district board of directors, requires criminal records background checks and

Child Maltreatment Central Registry checks for existing nonlicensed employees shall pay the full cost of the criminal records background checks and Child Maltreatment Central Registry checks.

(2)(A) Upon completion of the statewide and nationwide criminal records background checks and the Child Maltreatment Central Registry check, the Identification Bureau of the Division of Arkansas State Police or the Department of Human Services shall forward all releasable information to the Division of Elementary and Secondary Education.

(B) Within thirty (30) days of receiving all releasable information that has been forwarded by the Identification Bureau of the Division of Arkansas State Police and the Department of Human Services under subdivision (b)(2)(A) of this section, the Division of Elementary and Secondary Education shall inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided under § 6-17-414.

(3) A public school district under subdivision (b)(1) of this section shall require that an existing nonlicensed employee complete a criminal records background check and Child Maltreatment Central Registry check at least one (1) time every five (5) years.

History. Acts 1997, No. 1314, § 2; added designation (b)(1), inserted “records” preceding “background checks” in 2009, No. 1173, § 18; 2011, No. 989, § 39; (b)(1), and added (b)(2) and (b)(3); and 2019, No. 1040, § 2.

Amendments. The 2019 amendment made stylistic changes.

6-17-418. Teacher licensure — Arkansas history requirement.

(a) A person shall not be licensed as a social studies teacher or as an elementary school teacher unless the person has successfully completed:

(1) For a person seeking a traditional first-time license, at least three (3) college-credit hours in Arkansas history at an accredited institution of higher education; or

(2) For a person seeking licensure through a nontraditional program, by reciprocity, or by adding an endorsement, documentation of the successful completion of:

(A) Three (3) college credit hours in Arkansas history at an accredited institution of higher education; or

(B) An approved learning pathway in Arkansas history offered through Arkansas IDEAS for professional development hours or professional learning credits as determined by the Division of Elementary and Secondary Education.

(b) However, social studies teachers and elementary school teachers entering Arkansas from another state shall receive a one-year nonrenewable provisional license to teach in Arkansas schools as authorized by § 6-17-403, during which time the person shall complete the Arkansas history requirement under this section.

(c) The provisions of this section are not applicable to the renewal of a license for a teacher who was licensed before March 24, 1997.

History. Acts 1997, No. 787, § 3; 2011, No. 989, § 40; 2015, No. 1090, § 7; 2019, No. 666, § 2. **Amendments.** The 2019 amendment rewrote (a)(2)(B).

6-17-421. Criminal records check for fraudulent acts — Definitions.

(a) For purposes of this section:

(1) “Applicant” means an individual who is applying for initial employment as a fiscal officer of an educational entity;

(2) “Educational entity” means:

(A) A school district;

(B) An open-enrollment public charter school; or

(C) An education service cooperative;

(3) “Fiscal officer” means any licensed or nonlicensed employee of an educational entity who has any right, duty, or responsibility to access funds of an educational entity in excess of five thousand dollars (\$5,000), specifically including without limitation superintendents, fiscal officers, and bookkeepers; and

(4) “Fraudulent act” means an act:

(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

(B) For which the actor has pleaded guilty or nolo contendere or has been found guilty by any court in this state, by a court in another state, or by a federal court.

(b)(1)(A) Upon making application for employment in a position as a fiscal officer of an educational entity, the board of directors of the educational entity shall require the employment applicant to authorize release to the Division of Elementary and Secondary Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the Division of Arkansas State Police.

(B) Unless the employing educational entity’s board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check.

(2)(A) The criminal background check shall conform to the applicable federal standards and include the taking of the employment applicant’s or currently employed fiscal officer’s fingerprints.

(B) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Division of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(3)(A) Any information received by the Division of Elementary and Secondary Education from the Identification Bureau of the Division of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly autho-

rized representative, and no record, file, or document shall be removed from the custody of the Division of Elementary and Secondary Education.

(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the background check.

(4) The Division of Elementary and Secondary Education shall promptly inform the board of directors of the educational entity whether or not the affected employment applicant is eligible for employment as provided in this subsection.

(c)(1) No person shall be eligible for employment as a fiscal officer by an educational entity if the results of the criminal records check released to the Division of Elementary and Secondary Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing.

(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Division of Elementary and Secondary Education.

(d)(1) The superintendent or director of an educational entity shall report to the state board the name of any fiscal officer who is currently employed or was employed during the two (2) previous school years by the educational entity who has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act.

(2) A superintendent or director who knowingly fails to report information as required by this subsection may be subject to sanctions imposed by the state board.

(e) A prosecuting attorney who prosecutes a person who he or she knows is an educational entity employee in a case in which the employee has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act shall report the name of the employee and the nature of the crime to the educational entity in which the person is employed and to the state board.

(f) An educational entity shall dismiss from employment a fiscal officer who pleads guilty or nolo contendere to or has been found guilty of a fraudulent act but only after the fiscal officer has an opportunity for a hearing before the state board upon reasonable notice in writing.

(g)(1) The state board shall be entitled to consider:

(A) The age of the fiscal officer at the time the criminal act occurred;

(B) The length of time since the conviction;

(C) Whether the fiscal officer has pleaded guilty or nolo contendere to or has been found guilty of any other criminal violation since the original conviction;

(D) Whether the original conviction was expunged or pardoned; and

(E) Any other relevant facts.

(2) The state board after conducting a hearing and issuing a decision in writing may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsections (c) and (f) of this section.

History. Acts 2003 (2nd Ex. Sess.), No. 82, § 1; 2005, No. 2151, § 10; 2011, No. 989, § 41; 2013, No. 455, § 4; 2019, No. 910, §§ 1415-1418.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" throughout (b) and (c); and substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" in (b)(1)(A) and (b)(3)(A).

6-17-422. Professional Licensure Standards Board.

(a) There is established the Professional Licensure Standards Board.

(b)(1) The Professional Licensure Standards Board shall consist of twenty (20) members appointed by the State Board of Education as follows:

(A) The Commissioner of Elementary and Secondary Education or his or her designee, who shall serve as a nonvoting member;

(B) The Director of the Division of Child Care and Early Childhood Education or his or her designee, who shall serve as a nonvoting member;

(C)(i) Four (4) public school classroom teachers with valid Arkansas teaching licenses who are recommended by the Arkansas Education Association, and who teach at:

(a) A licensure level of birth to kindergarten;

(b) A licensure level of kindergarten through grade six (K-6);

(c) A licensure level of grades four through eight (4-8); and

(d) A licensure level of grades seven through twelve (7-12); and

(ii) Two (2) public school classroom teachers with valid Arkansas teaching licenses who:

(a) Are recommended by the Arkansas State Teachers Association; and

(b) Teach at any licensure level;

(D)(i) Four (4) persons with valid Arkansas teaching and administrator's licenses who are recommended by the Arkansas Association of Educational Administrators.

(ii)(a) One (1) person shall hold a building-level administrator's license and serve as a middle-level building administrator.

(b) Two (2) persons shall be public school superintendents with valid Arkansas teaching and district-level administrator's licenses recommended by the Arkansas Association of Educational Administrators.

(c) One (1) person shall be a public school administrator with a valid Arkansas teaching and building-level or district-level adminis-

trator's license recommended by the Arkansas Association of School Personnel Administrators;

(E) One (1) nonvoting representative designated by the Division of Elementary and Secondary Education from its Human Resources, Educator Effectiveness and Licensure Division recommended by the commissioner;

(F)(i) Three (3) deans of education from Arkansas institutions of higher education recommended by the Arkansas Association of Colleges for Teacher Education.

(ii)(a) One (1) dean shall be from a private institution of higher education.

(b) One (1) dean shall be from a public institution of higher education.

(c) One (1) dean shall have knowledge of licensure issues;

(G) One (1) coordinator of educational leadership recommended by the Arkansas Professors of Educational Administration;

(H) One (1) person with a valid curriculum/program administrator's license recommended by the Arkansas Association for Supervision and Curriculum Development;

(I) One (1) teacher or administrator recommended by the Arkansas Public School Resource Center, Inc., who is currently employed under a waiver from licensure as a teacher of record or an administrator; and

(J) One (1) public school administrator with a valid Arkansas teaching and building-level or district-level administrator's license recommended by the Arkansas Rural Ed Association.

(2)(A) The voting members of the Professional Licensure Standards Board shall elect annually one (1) of the voting members to serve as chair for one (1) year.

(B)(i) The chair shall serve as a nonvoting member during his or her term as chair.

(ii) However, the chair may vote in the case of a tie.

(c)(1) The State Board of Education shall consider all recommendations under subdivision (b)(1) of this section submitted to the secretary of the State Board of Education by June 30 of each year in which the term of a Professional Licensure Standards Board member expires.

(2) If a recommendation for a person qualified to fill a position on the Professional Licensure Standards Board is not received by the deadline, the State Board of Education may appoint any qualified person to fill the position.

(3) If the membership of the Professional Licensure Standards Board is changed by law, the affected positions will be filled as follows:

(A) When the qualifications for a sitting member's position are changed during the member's term, the member shall complete his or her term and the new qualifications shall apply at the expiration of the member's term; and

(B) If a new position on the Professional Licensure Standards Board is created, the State Board of Education shall appoint a qualified person to fill the new position as soon as practicable.

(d)(1)(A) Each member of the Professional Licensure Standards Board shall serve a term of three (3) years.

(B) The initial members shall draw lots for staggered terms.

(2) The State Board of Education shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.

(e) The appointed members of the Professional Licensure Standards Board shall be residents of this state at the time of appointment and throughout their terms.

(f)(1) The Professional Licensure Standards Board shall meet at times and places the chair deems necessary, but no meetings shall be held outside of this state.

(2) A majority of the members of the Professional Licensure Standards Board shall constitute a quorum for the purpose of transacting business.

(3) All action of the Professional Licensure Standards Board shall be by a majority vote of the full membership of the Professional Licensure Standards Board.

(g)(1) Members of the Professional Licensure Standards Board shall serve without pay.

(2) Members of the Professional Licensure Standards Board may receive expense reimbursement in accordance with § 25-16-902, to be paid by the Division of Elementary and Secondary Education to the extent money is available for that purpose.

(h) The Professional Licensure Standards Board shall:

(1) Develop and recommend for adoption to the State Board of Education minimum college level preparatory and grade point average requirements for all teachers applying for licensure, that shall include minimum requirements for:

(A) Course of study;

(B) Program approval;

(C) Range of approved hours; and

(D) In-class teaching internships or practice teaching hours;

(2)(A) With the assistance of the Division of Elementary and Secondary Education and the Division of Higher Education, develop a system for the annual reporting and review of educator preparation program quality.

(B) The system may include without limitation:

(i) Data reporting and analysis on:

(a) Program graduate employment outcomes;

(b) Survey outcomes; and

(c) Public school student learning outcomes;

(ii) Accreditation or state approval; and

(iii) Program quality ratings;

(3)(A)(i) Establish a code of ethics for administrators and teachers, including those employed under a waiver from licensure as a teacher of record or as an administrator, in educational environments for students in prekindergarten through grade twelve (preK-12), includ-

ing procedures and recommendations for enforcement as provided in this subdivision (h)(3).

(ii) For educators employed under a waiver from licensure as a teacher of record or as an administrator, the procedures and recommendations for enforcement shall consist of procedures and public notifications equivalent to the levels of recommended sanctions for licensed educators.

(B) Upon the approval of the code of ethics, procedures, and recommendations for enforcement required by this subdivision (h)(3):

(i) The valid Arkansas teaching license of any person shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement; and

(ii) For an educator employed under a waiver from licensure as a teacher of record or as an administrator, the educator shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement, including the public notifications under subdivision (h)(3)(A)(ii) of this section.

(C)(i) The Professional Licensure Standards Board may recommend to the State Board of Education, and the State Board of Education may approve the monetary fees to be paid by a person for the issuance, reissuance, fine, or penalty associated with the process, procedures, or enforcement of requirements necessary to issue or maintain an Arkansas teaching license.

(ii) Under no circumstances shall any one (1) specific fee or fine exceed five hundred dollars (\$500).

(iii) Revenue collected by the State Board of Education from the fees and fines under this subdivision (h)(3)(C) shall be used for the operation of the Professional Licensure Standards Board; and

(4)(A) Adopt rules requiring a student admitted to a teacher education program offered by an institution of higher education in the state to:

(i) Apply to the Identification Bureau of the Division of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Division of Arkansas State Police and the Federal Bureau of Investigation; and

(ii) Request through the Division of Elementary and Secondary Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The criminal records check and Child Maltreatment Central Registry check shall conform to the requirements and procedures of § 6-17-410 and applicable federal standards.

(C) The rules shall not require an institution of higher education to bar a student from enrollment due to a disqualifying criminal conviction or a true report in the Child Maltreatment Central Registry.

History. Acts 2007, No. 846, § 3; 2009, No. 337, §§ 1-4; 2009, No. 376, §§ 26, 27; 2009, No. 938, § 1; 2011, No. 981, §§ 5, 6; 2011, No. 1045, § 1; 2013, No. 454, § 6; 2013, No. 455, § 5; 2013, No. 1070, §§ 1, 2; 2015, No. 1090, § 9; 2017, No. 564, §§ 1-4; 2019, No. 910, §§ 1419-1423.

Amendments. The 2019 amendment substituted "Commissioner of Elementary

and Secondary Education" for "Commissioner of Education" in (b)(1)(A); substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(1)(E), (g)(2), (h)(2)(A), and (h)(4)(A)(ii); and substituted "Division of Higher Education" for "Department of Higher Education" in (h)(2)(A).

6-17-424. Administrator licensure for counselors — Eligibility.

(a) A school counselor is an eligible candidate for an initial administrator license if the school counselor:

- (1) Holds a current standard teaching license;
- (2) Has a minimum of four (4) years' experience as a school counselor;
- (3) Holds a graduate degree from a regionally accredited institution of higher education; and
- (4) Completes the appropriate program of study for an initial administrator license.

(b) The Division of Elementary and Secondary Education shall promulgate the rules necessary to implement this section.

History. Acts 2009, No. 733, § 1; 2019, No. 910, § 1424.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).

6-17-426. Repeat audit findings — Review by the Professional Licensure Standards Board.

(a)(1) The Legislative Joint Auditing Committee may refer an audit report of a school district to the Division of Elementary and Secondary Education if:

(A) The audit report of the school district identifies a substantial issue of noncompliance with state or federal financial reporting requirements or other state or federal law or regulation; and

(B) The same issue is identified in two (2) consecutive audit reports.

(2) The division shall submit the audit report referred in subdivision (a)(1) of this section to the Professional Licensure Standards Board in forms approved by the division.

(b) The board shall investigate any referrals made by the Legislative Joint Auditing Committee under its investigative procedures.

(c) No later than July 1 of each year, the board shall report on the disposition of all referrals made to the board by the Legislative Joint Auditing Committee.

History. Acts 2009, No. 1370, § 1; 2019, No. 910, §§ 1425, 1426. Secondary Education” for “Department of Education” in (a)(1); and substituted “division” for “department” twice in (a)(2).

Amendments. The 2019 amendment substituted “Division of Elementary and

6-17-427. Superintendent license — Superintendent mentoring program required.

(a)(1) The Division of Elementary and Secondary Education shall develop and sponsor a superintendent mentoring program for first-year superintendents that includes without limitation:

- (A) Curriculum and instruction;
- (B) Ethics;
- (C) Facilities;
- (D) Human resources;
- (E) Leadership;
- (F) School funding; and
- (G) Technology.

(2) The division shall incorporate all training that is currently required for first-year superintendents into the superintendent mentoring program.

(3) The State Board of Education shall establish rules to implement the superintendent mentoring program.

(b) Beginning with the 2011-2012 school year, a first-year Arkansas superintendent shall complete the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent to maintain his or her superintendent’s license.

(c) This section is subject to the appropriation and availability of funding.

History. Acts 2011, No. 586, § 1; 2019, No. 910, § 1427.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in the introductory language of (a)(1); and substituted “division” for “department” in (a)(2).

6-17-428. Ethical violations — Definitions.

(a) As used in this section:

(1) “Code of ethics” means the code of ethics for educators established by the Professional Licensure Standards Board under § 6-17-422;

(2) “Educator” means, at the time of the alleged violation:

(A) A person holding a valid Arkansas standard teaching license, ancillary license, provisional license, technical permit, or administrator’s license issued by the State Board of Education, even if the license expires during the pendency of the ethics complaint process;

(B) A preservice teacher;

(C) An individual employed under a waiver from licensure as a teacher of record or as an administrator; or

(D) A person employed under an emergency teaching permit;

(3)(A) "Ethical violation" means an act or omission on the part of an educator when the educator knew or reasonably should have known that the act or omission was in violation of the code of ethics.

(B) "Ethical violation" does not include:

(i) A reasonable mistake made in good faith;

(ii) An act or omission undertaken in accordance with the reasonable instructions of a supervisor; or

(iii) An act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator;

(4) "Ethics complaint" means a document that:

(A) States facts constituting an alleged ethical violation of the code of ethics; and

(B) Is signed under penalty of perjury by the person filing the ethics complaint; and

(5) "Preservice teacher" means an unlicensed person who is enrolled as a student in an educator preparation program.

(b)(1) The Professional Licensure Standards Board shall:

(A) Establish procedures for:

(i) Receiving and investigating an ethics complaint;

(ii) Enforcing the code of ethics;

(iii) Granting and conducting hearings under this section; and

(iv) Publicizing notifications equivalent to the recommendations for enforcement of the code of ethics;

(B) Make recommendations for enforcement of the code of ethics;

(C) Develop public notifications equivalent to the recommendations for enforcement of the code of ethics; and

(D) Establish an ethics subcommittee of the Professional Licensure Standards Board with equal representation of public school teachers and administrators as well as one (1) member from any other category of representation on the Professional Licensure Standards Board.

(2) All rules, procedures, hearings, and appeals relating to the code of ethics complaints under this section shall be promulgated and implemented under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c)(1) The ethics subcommittee of the Professional Licensure Standards Board shall:

(A)(i) Authorize the investigation of ethics complaints.

(ii)(a) A complaint form sent via facsimile or with an electronic signature shall not be accepted.

(b) A complaint form shall have the original signature of the complainant;

(B) Enforce the code of ethics by:

(i) Making a recommendation to the State Board of Education for:

(a) A written warning, a written reprimand, or the written placement of conditions or restrictions on the activities of the educator; or

(b) The revocation, suspension, probation, nonrenewal, or denial of a license issued by the State Board of Education; or

(ii) Issuing a private letter of caution; and

(C) Dismiss an ethics complaint if it finds there is no ethics violation.

(2) For a preservice teacher assigned to a public school as a student intern in a supervised field experience or supervised clinical experience, a sanction adopted by the State Board of Education may be imposed on a license when it is issued to a preservice teacher.

(3) The ethics subcommittee may appoint or contract for one (1) or more persons to conduct evidentiary hearings.

(4) The State Board of Education may make an informal disposition of the ethical violation by stipulation, settlement, consent order, or default.

(d) An ethics complaint may be filed with the Professional Licensure Standards Board by any person through:

(1) The Division of Elementary and Secondary Education;

(2) A public school district; or

(3) A public school superintendent.

(e)(1) The ethics subcommittee shall authorize an investigation of an ethics complaint that it determines is credible.

(2) Following an interview conducted as part of an investigation of an ethics complaint, the investigator shall place in the investigation file a written report of the interview.

(f)(1) Within ten (10) business days of authorizing an ethics complaint investigation, the staff of the Professional Licensure Standards Board shall provide the educator under investigation with:

(A) Written notice of the investigation and the nature of the alleged ethical violation; and

(B) A copy of:

(i) The documents and evidence provided by the complainant concerning the facts alleged in the ethics complaint;

(ii) Provisions of this section or other state statutory law applicable to an ethical violation under this section; and

(iii) The applicable rules in effect at the time the ethics complaint is filed.

(2) Upon the completion of the investigation and before an initial consideration of the investigation, the staff of the Professional Licensure Standards Board shall provide to the educator:

(A) A copy of the documents and evidence concerning the investigation of the ethics complaint; and

(B) Written notice that the ethics subcommittee will consider taking an action against the educator.

(g)(1) Within fourteen (14) calendar days after an educator receives the notice, documentation, and evidence from the staff of the Professional Licensure Standards Board under subsection (f) of this section, the educator may respond to the ethics complaint in writing.

(2) The ethics subcommittee may permit additional time for a response.

(h)(1) Upon receipt of the results of the investigation and any written response from the educator who is the subject of the ethics complaint,

the ethics subcommittee shall issue an initial determination and provide notice of the initial determination to the educator.

(2) Within fourteen (14) days of receiving notice of the initial determination, if the educator disagrees with the initial determination, the educator may request an evidentiary hearing in the manner specified in the rules of the Professional Licensure Standards Board.

(i)(1) Upon request for a hearing, the staff of the Professional Licensure Standards Board shall provide the educator with notice of the time and date of the hearing, which shall be conducted in accordance with the rules of the Professional Licensure Standards Board.

(2) The educator and the Professional Licensure Standards Board may be represented by representatives of their choosing.

(j) Within ten (10) business days of the ethics subcommittee's taking action following a hearing, the ethics subcommittee shall provide the educator under investigation with written notice of the action.

(k) The staff of the Professional Licensure Standards Board shall complete its investigation of an ethics complaint and the ethics subcommittee shall take action:

(1) Within one hundred fifty (150) days of authorizing the investigation of the ethics complaint; or

(2) If a hearing is conducted, within one hundred eighty (180) days of authorizing the investigation of the ethics complaint.

(l)(1) The Professional Licensure Standards Board may waive the time limitations imposed under this section when reasonable under certain circumstances, including without limitation inclement weather, state or national emergencies, or other unforeseeable events.

(2) The staff of the Professional Licensure Standards Board and the educator may agree to waive any deadline imposed under this section.

(m) Except as provided in subsection (o) of this section, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and the ethics subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(n) All records pertaining to an ethics complaint shall be open for inspection and copying by the educator against whom the ethics complaint is lodged, unless otherwise prohibited by state or federal law.

(o)(1) A hearing under this section before the State Board of Education on a recommendation of the ethics subcommittee for enforcement of the code of ethics is a public hearing.

(2) All records upon which the State Board of Education relies at a hearing under this subsection to make its decision are subject to public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(p)(1) As used in this subsection:

(A) "Acted upon" means that the State Board of Education has taken an action to address an ethics complaint by revoking, suspending, or imposing another sanction upon an educator's license;

(B) "School hiring officer" means the person designated by a school who is responsible for hiring or making final recommendations for the

hiring of an educator who holds an Arkansas teaching or administrator's license;

(C) "Sexual abuse" has the same meaning as given to the term in § 12-18-103(20)(D) as it applies to a caretaker but shall include a victim who is eighteen (18) years of age or older and is still a student; and

(D) "Student" means a person who is enrolled in a public or private school in any level from prekindergarten through grade twelve (preK-12).

(2) The code of ethics shall include without limitation the following provisions:

(A) A standard that an educator maintains a professional relationship with each student, both in and outside the classroom;

(B) An educator in a supervisory role in an Arkansas school shall file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student; and

(C) The failure to submit an ethics complaint under subdivision (p)(2)(B) of this section is a violation of the code of ethics.

(3)(A)(i) The division shall establish and maintain a website providing a school hiring officer with the ability to determine if the State Board of Education has acted upon an ethics complaint concerning a violation of the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student by an applicant for employment who holds an Arkansas teaching or administrator's license or an individual intending to be employed under a waiver from licensure as a teacher of record or as an administrator.

(ii) The website shall identify the action taken on the ethics complaint.

(B) Before an educator who holds an Arkansas teaching license or administrator's license or an individual intending to be employed under a waiver from licensure as a teacher of record or as an administrator may be hired for employment at an Arkansas school, the school hiring officer shall check the website maintained by the division under subdivision (p)(3)(A) of this section to determine whether the State Board of Education has acted upon a violation of the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student by the applicant.

(q) Subject to the disclosure limitations of subsections (m) and (o) of this section, the division may include on the division's public website for licensure the following information on each violation of the code of ethics by an educator whose license the State Board of Education has suspended, revoked, denied, or not renewed based on the recommendations of the ethics subcommittee:

(1) The code of ethics standard that was violated;

(2) The sanction approved by the State Board of Education; and

(3) A copy of the final order of the State Board of Education.

History. Acts 2011, No. 1045, § 2; 2013, No. 454, § 4; 2013, No. 1323, § 1; 2015, No. 1090, §§ 10-14; 2017, No. 275, § 4; 2017, No. 564, §§ 5-7; 2019, No. 475, § 1; 2019, No. 910, §§ 1428-1431; 2021, No. 96, §§ 1, 2.

Amendments. The 2019 amendment by No. 475 added “at the time of the alleged violation” in the introductory language of (a)(2); added “even if the license expires during the pendency of the ethics complaint process” in (a)(2)(A); and added (a)(2)(D).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (d)(1); and substituted “di-

vision” for “department” in (p)(3)(A)(i), (p)(3)(B), and (q).

The 2021 amendment rewrote (c)(1)(A); substituted “authorize an investigation of” for “investigate” in (e)(1); substituted “staff of the Professional Licensure Standards Board” for “ethics subcommittee” in (f)(1), (f)(2), (g)(1), and (k); substituted “fourteen (14) calendar days” for “thirty (30) calendar days” in (g)(1); substituted “determination” for “decision” throughout (h); substituted “fourteen (14) days” for “thirty (30) days” in (h)(2); rewrote (i)(1); inserted “the ethics subcommittee shall” in (k); rewrote (l); and made stylistic changes.

6-17-429. Right to Read Act — Definitions.

(a) This section shall be known and may be cited as the “Right to Read Act”.

(b)(1)(A) No later than 2023, the following shall have proficient knowledge and skills to teach reading consistent with the best practices of scientific reading instruction:

(i) A person who completes a state-approved educator preparation program; and

(ii) A person seeking teacher licensure by reciprocity or by adding an endorsement.

(B) No later than 2023, a person who completes a state-approved educator preparation program other than a teacher of elementary education program shall demonstrate an awareness of the best practices of scientific reading instruction.

(2) Beginning no later than the 2022-2023 school year, each state-approved educator preparation program shall post on its website information describing its program to prepare teachers to teach reading using scientific reading instruction aligned with but not limited to the content measured by the stand-alone reading assessment adopted by the State Board of Education under § 6-17-402.

(c)(1) Beginning with the 2018-2019 school year, a public school district and an open-enrollment public charter school shall provide the following professional development in scientific reading instruction:

(A) For teachers licensed at the elementary level in kindergarten through grade six (K-6), teachers with a special education license in kindergarten through grade twelve (K-12), and teachers licensed as reading specialists in kindergarten through grade twelve (K-12), professional development for one (1) of the prescribed pathways to obtaining a proficiency credential in knowledge and practices in scientific reading instruction; and

(B) For teachers licensed at a level other than the elementary level in kindergarten through grade six (K-6), teachers with a special education license in kindergarten through grade twelve (K-12), and

teachers licensed as reading specialists in kindergarten through grade twelve (K-12), professional development for one (1) of the prescribed pathways to obtaining an awareness credential in knowledge and practices in scientific reading instruction.

(2) Beginning with the 2020-2021 school year, a public school or open-enrollment public charter school that does not provide the professional development under subdivision (c)(1) of this section shall:

(A) Be placed in probationary status; and

(B) Provide notice to parents that the public school district has not met the requirements of this section.

(d)(1) By the beginning of the 2023-2024 school year:

(A)(i) All teachers employed in a classroom teaching position that requires a license to teach elementary students in grades kindergarten through six (K-6) or a license to teach special education for students in grades kindergarten through twelve (K-12) shall demonstrate proficiency in knowledge and practices of scientific reading instruction.

(ii) A teacher described in subdivision (d)(1)(A)(i) of this section who has not demonstrated proficiency by the 2023-2024 school year may be afforded an opportunity to demonstrate proficiency by being placed in an intensive support status under § 6-17-2807 for a period of time specified by the teacher's evaluator in the professional growth plan for the teacher; and

(B) All other teachers shall demonstrate awareness in knowledge and practices of scientific reading instruction.

(2) All teachers who begin employment in the 2023-2024 school year and each following school year shall demonstrate proficiency or awareness in knowledge and practices of scientific reading instruction as is applicable to their teaching position by completing the prescribed proficiency or awareness in knowledge and practices of scientific reading instruction credential either:

(A) As a condition of licensure; or

(B) Within one (1) year if the teacher is:

(i) Already licensed; or

(ii) Employed under a waiver from licensure.

(e) A provider of a state-approved educator preparation program, graduate program, or alternative preparation program shall include in its annual report to the Division of Elementary and Secondary Education a description of the provider's program to prepare educators to teach reading using scientific reading instruction.

(f) By the beginning of the 2020-2021 school year, the division shall identify and create an approved list of materials, resources, and curriculum programs for public school districts and open-enrollment public charter schools that are supported by the science of reading and based on instruction that is explicit, systematic, cumulative, and diagnostic, including without limitation:

(1) Dyslexia programs that are evidence-based and:

(A) Aligned to structured literacy; or

- (B) Grounded in the Orton-Gillingham methodology;
- (2) Evidence-based reading intervention programs; and
- (3) Evidence-based reading programs that are grounded in the science of reading.

(g)(1) By the beginning of the 2021-2022 school year, any public school district and open-enrollment public charter school purchasing a curriculum program shall choose a curriculum program from the division's approved list of curriculum programs created under subsection (f) of this section.

(2) A public school district or open-enrollment public charter school that chooses to purchase a curriculum program that is not from the division's approved list of curriculum programs shall submit the following to the division for approval of the alternative curriculum program:

(A) A rationale for choosing the alternative curriculum program; and

(B) Evidence-based research regarding the alternative curriculum program.

(h) By the beginning of the 2019-2020 school year, a public school district and an open-enrollment public charter school shall establish a professional development program as required by § 6-15-2914(b)(1)(B) that shall:

(1) Include without limitation instruction based on the science of reading; and

(2) Be provided on an annual basis after the professional development required under subdivision (c)(1) of this section is complete.

(i)(1)(A) A public school district or an open-enrollment public charter school that employs an educator in violation of this section or that does not provide the professional development as required under this section shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed in probationary status by the division.

(B) A public school district or an open-enrollment public charter school placed in probationary status under subdivision (i)(1)(A) of this section shall send written notification to the parents of the students in the public school district of the reason for being placed in probationary status.

(2) A provider of a state-approved educator preparation program, graduate program, or alternative preparation program that does not comply with the requirements of this section may be subject to penalties up to and including having the provider's approval status revoked.

(3)(A) A public school district or an open-enrollment public charter school shall not use a program of instruction for students in kindergarten through grade two (K-2) that is based in any practice or intervention program that utilizes:

(i) The three-cueing system model of reading;

(ii) Visual memory as the primary basis for teaching word recognition; or

(iii) The three-cueing system model of reading based on meaning, structure and syntax, and visual, which is also known as "MSV".

(B)(i) Beginning with the 2023-2024 school year, if the state board determines that a public school district or an open-enrollment public charter school has violated subdivision (i)(3)(A) of this section, the state board shall notify the public school district or the open-enrollment public charter school of its violation.

(ii)(a) If a public school district or an open-enrollment public charter school fails to remedy its violation under subdivision (i)(3)(A) of this section within sixty (60) days of notification of its failure to comply with subdivision (i)(3)(A) of this section, the state board shall direct the division to withhold a maximum of ten percent (10%) of the monthly distribution of state foundation funding aid to the public school district or open-enrollment public charter school as provided under § 6-20-2305(a)(1)(B).

(b) Once the state board determines that a public school district or open-enrollment public charter school has complied with this section, the division shall restore the monthly distribution of state foundation funding aid to the public school district or open-enrollment public charter school to its original amount before the reduction was made under subdivision (i)(3)(B)(ii)(a) of this section.

(j) The division shall:

- (1) Enforce this section; and
- (2) Promulgate rules to implement this section.

(k) As used in this section:

(1) "Science of reading" means the study of the relationship between cognitive science and educational outcomes; and

(2) "Structured literacy" means an approach by which licensed personnel teach reading in an explicit, systematic, cumulative, and diagnostic manner.

(l)(1) The Secretary of the Department of Education shall hire an Education Ombudsman to assist the division in the enforcement of this section, including without limitation enforcing the requirements for:

- (A) Demonstrating proficiency;
- (B) Providing professional development; and
- (C) Using a permitted program of instruction.

(2) The secretary may designate additional requirements related to public education, including without limitation the enforcement of literacy requirements.

(3) The secretary shall supervise the Education Ombudsman and shall not delegate supervision to an employee of the division.

(4)(A) The minimum qualifications for the Education Ombudsman shall include a master's degree in:

- (i) Education; or
- (ii) A related field.

(B) An individual who has served as a past public school district superintendent or who serves as a current public school district superintendent is not eligible to serve as the Education Ombudsman under this section.

(5) The Education Ombudsman may:

(A) Communicate with:

(i) A public school student, with permission from a parent, legal guardian, or person standing in loco parentis of the public school student;

(ii) A parent, legal guardian, or person standing in loco parentis of a public school student; and

(iii) Administration, faculty, and staff employed by a public school district or open-enrollment public charter school;

(B) Review an issue or concern related to the education of a public school student enrolled in a public school or open-enrollment public charter school;

(C) Recommend training and resources to a public school, public school district, or open-enrollment public charter school; and

(D) Request support and assistance from the division to be provided to a public school, public school district, or open-enrollment public charter school.

(6)(A) The Education Ombudsman shall prepare and submit an annual report to the state board concerning the work of the Education Ombudsman and any recommendations related to the focus areas of the Education Ombudsman.

(B) The report required under subdivision (1)(6)(A) of this section shall be submitted every two (2) years to the:

(i) House Committee on Education; and

(ii) Senate Committee on Education.

History. Acts 2017, No. 1063, § 1; 2019, No. 83, §§ 3, 4; 2019, No. 910, §§ 1432, 1433; 2021, No. 489, § 1; 2021, No. 606, §§ 1, 2.

A.C.R.C. Notes. Acts 2019, No. 83, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The Right to Read Act, § 6-17-429, addresses the science of reading for current educators and those in an undergraduate teaching program;

"(2) If educators do not have an understanding of scientific reading instruction, many students will not receive the reading instruction necessary to read at grade level;

"(3) The percentage of Arkansas students in grade three (3) who were 'ready' or 'exceeding' in reading on the 2018 ACT Aspire test was thirty-eight percent (38%);

"(4) Dyslexia programs in Arkansas should be aligned to structured literacy as outlined by the International Dyslexia Association; and

"(5) Educators throughout the state are in the process of completing the appropriate professional development require-

ments with respect to the science of reading and structured literacy, but public school districts have not provided those teachers with the necessary materials and resources to implement the methods required by science of reading and structured literacy programs in their classrooms."

Amendments. The 2019 amendment by No. 83 inserted "in kindergarten through grade six (K-6), teachers with a special education license in kindergarten through grade twelve (K-12), and teachers licensed as reading specialists in kindergarten through grade twelve (K-12)" in (c)(1)(A) and (c)(1)(B); inserted "or open-enrollment public charter school" in the introductory language of (c)(2); inserted "graduate program, or alternative preparation program" in (e); inserted (f), (g), and (h); redesignated former (f) as (i); inserted "or an open-enrollment public charter school" twice in (i)(1) and inserted "graduate program, or alternative preparation program" in (i)(2); redesignated and rewrote former (g) as (j); added (k); and updated an internal reference.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (e); and substituted "division" for "department" in (g)(1) and (g)(2).

The 2021 amendment by No. 489 substituted "2023-2024 school year" for

"2021-2022 school year" in the introductory language of (d)(1) and in (d)(2); rewrote and redesignated former (d)(1)(A) as (d)(1)(A)(i); added (d)(1)(A)(ii); and made stylistic changes.

The 2021 amendment by No. 606 added (i)(3) and (l).

6-17-430. Licensing of noncitizens.

(a) The Division of Elementary and Secondary Education may grant a license under this subchapter to an individual who, in addition to fulfilling the requirements to teach in this state, satisfies the following requirements:

(1) The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy;

(2) The individual's exemption status under the Deferred Action for Childhood Arrivals policy has:

(A) Not expired; or

(B) Been properly renewed; and

(3) The individual has a current and valid employment authorization document issued by the United States Citizenship and Immigration Services.

(b) This section is a state law within the meaning of subsection (d) of 8 U.S.C. § 1621, as existing on January 1, 2021.

(c) The division shall promulgate rules to implement this section.

History. Acts 2021, No. 513, § 1.

SUBCHAPTER 6 — LICENSED PERSONNEL TESTING PROGRAM

SECTION.

6-17-602. Application for new licensure.

6-17-603. Reporting of test scores — Confidentiality.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-602. Application for new licensure.

Any teacher, administrator, or other licensed person who is not eligible for renewal of the license due to failure to comply with this subchapter is eligible to apply for new licensure under initial licensure rules or other rules promulgated by the State Board of Education.

History. Acts 1985, No. 350, § 4; A.S.A. 1947, § 80-1270.3; Acts 1987, No. 512, § 4; 2011, No. 989, § 44; 2019, No. 315, § 231.

Amendments. The 2019 amendment substituted "rules" for "regulations" twice.

6-17-603. Reporting of test scores — Confidentiality.

(a)(1) Scores from the tests required under this subchapter and § 6-17-402 shall not be disclosed but shall be retained by the Division of Elementary and Secondary Education as confidential records not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., or any other act that would require the disclosure thereof.

(2) However, the division shall provide each licensee with that person's test score and the grader's analysis of the writing portion of the test.

(b) The division shall transmit to the Governor and the House Committee on Education and the Senate Committee on Education a composite report indicating by county the number of persons who failed the tests and the number of persons who passed the tests.

History. Acts 1985, No. 350, § 5; 1985, No. 693, § 2; A.S.A. 1947, § 80-1270.4; Acts 1997, No. 112, § 8; 2011, No. 989, § 45; 2017, No. 416, § 3; 2019, No. 910, § 1434.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" in (a)(2) and (b).

SUBCHAPTER 7 — PROFESSIONAL DEVELOPMENT**SECTION.**

- 6-17-701. Program to improve reading skills.
- 6-17-702. Staff development sessions.
- 6-17-703. Arkansas history professional development.
- 6-17-704. Professional development plan — Definition.
- 6-17-705. Professional development credit.
- 6-17-706. Professional development credit exemption.
- 6-17-707. Arkansas Online Professional Development Initiative.

SECTION.

- 6-17-708. Mental health awareness and teen suicide awareness and prevention professional development.
- 6-17-709. Professional development schedule.
- 6-17-710. Human trafficking professional development.
- 6-17-711. Bullying prevention — Professional development.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-701. Program to improve reading skills.

(a) The Division of Elementary and Secondary Education is authorized and directed to develop and implement an inclusive statewide program to improve the reading skills of students in the public schools of this state.

(b) The program shall include an in-service training program to assist elementary teachers who desire or are designated as requiring special assistance in improving their skills in teaching reading and to assist elementary principals in improving their skills in the supervision and support of reading programs.

(c) The intensive in-service training in the teaching of reading provided for in this section shall be developed and implemented under the direction of reading specialists of the division and selected in-service teachers who have been identified as having been particularly successful in the teaching of reading.

(d) This training shall include, but not necessarily be limited to:

- (1) Classroom observation;
- (2) The use of student inventories for diagnosing reading problems;
- (3) Planning instruction based on test results and classroom inventories;

(4) Reading activities to improve reading skills;

(5) Ideas for parental involvement in reading instruction; and

(6) The effective use of the teacher's time in planning for instruction in reading.

(e) Records shall be kept of the activities authorized by this section, and studies shall be conducted to determine the impact of this program on the achievement test scores of the students of teachers receiving special in-service training.

(f) Participating schools shall be required to allow the use of their teachers and principals who have received training to assist in the training of other teachers and principals.

History. Acts 1983 (1st Ex. Sess.), No. 44, §§ 1-3; A.S.A. 1947, §§ 80-1269 — 80-1269.2; Acts 2019, No. 910, §§ 1435, 1436.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a); and substituted "division" for "department" in (c).

6-17-702. Staff development sessions.

(a)(1)(A) A school district shall not deny licensed personnel the opportunity to attend certified instructional staff development sessions conducted by bona fide professional organizations within the state.

(B) Licensed personnel may count up to two (2) days of six (6) hours each of attendance at instructional professional development sessions conducted by bona fide professional organizations toward fulfillment of the ten (10) days of staff development required by the Standards for Accreditation of Arkansas Public Schools and School Districts, provided the sessions have been certified by the Division of Elementary and Secondary Education.

(2) The State Board of Education may promulgate rules to implement the certification process for instructional staff development sessions.

(b) This section does not authorize a school district employee to refrain from attending meetings and workshops designed to implement restructuring mandated by the Arkansas Public Education Act of 1997, § 6-15-1001 et seq.

History. Acts 1993, No. 1151, § 1; 1995, No. 663, § 1; 2009, No. 1309, § 1; 2019, No. 910, § 1437.

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1)(B).

Amendments. The 2019 amendment

6-17-703. Arkansas history professional development.

(a) A school district shall provide two (2) hours, or professional learning credits as determined by the Division of Elementary and Secondary Education, of substantive and meaningful professional development in Arkansas history for its teachers who provide instruction in Arkansas history according to the professional development schedule under § 6-17-709.

(b) The school district may provide the professional development:

(1) By contracting with an education service cooperative; or

(2) By using the Arkansas Online Professional Development Initiative under § 6-17-707.

(c) The professional development under this section shall count toward satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1997, No. 787, § 4; 2005, No. 2095, § 1; 2013, No. 969, § 3; 2019, No. 666, § 3. inserted "or professional learning credits as determined by the Division of Elementary and Secondary Education" in (a).

Amendments. The 2019 amendment

6-17-704. Professional development plan — Definition.

(a) As used in this section, "professional development" means a set of coordinated planned learning activities for teachers, administrators, and nonlicensed school employees that:

(1) Is required by statute or by the Division of Elementary and Secondary Education; or

(2) Meets the following criteria:

(A) Is part of the minimum number of professional development hours or professional learning credits as determined by the division required by law or by the division;

(B) Improves the knowledge, skills, and effectiveness of teachers;

(C) Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;

(D) Leads to improved student academic achievement; and

(E) Is research-based and standards-based.

(b) The purpose of professional development is to improve teaching and learning in order to facilitate individual, school-wide, and system-wide improvements designed to ensure that all students demonstrate proficiency on state academic standards.

(c)(1) Annually, each school district shall prepare a professional development plan.

(2)(A) Teachers, administrators, and classified school employees shall be involved in the design, implementation, and evaluation of their respective professional development offerings under the plan.

(B) The evaluation results shall be given to each group of employees in the school district and used to improve professional development offerings.

(d) The professional development offerings may include approved conferences, workshops, institutes, individual learning, mentoring, peer-coaching, study groups, National Board for Professional Teaching Standards certification, distance learning, micro-credentialing approved by the division, internships, and college or university course work.

(e) The professional development under this section:

(1) Shall comply with the division Rules Governing Professional Development; and

(2) May provide educators with knowledge and skills needed to teach:

(A) Students with disabilities, including without limitation autism; and

(B) Culturally and linguistically diverse students.

(f) A teacher shall complete any missed hours of professional development through professional development that is:

(1) Substantially similar to the professional development missed and approved by the person responsible for the teacher's summative evaluation under the Teacher Excellence and Support System, § 6-17-2801 et seq.; and

(2) Delivered by any method, online or otherwise, approved by the division under the State Board of Education rules.

(g) Accreditation for or approval of professional development for public school teachers and administrators is governed by the rules of the state board.

History. Acts 2003 (2nd Ex. Sess.), No. 83, § 1; 2011, No. 1146, § 1; 2011, No. 1150, § 1; 2011, No. 1209, §§ 4, 5; 2013, No. 969, §§ 4-6; 2017, No. 745, § 21; 2019, No. 666, § 4; 2019, No. 910, §§ 1438-1440.

Amendments. The 2019 amendment

by No. 666 inserted "or professional learning credits as determined by the division" in (a)(2)(A).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1), (e)(1), and (f)(2).

6-17-705. Professional development credit.

(a) Up to twelve (12) hours of professional development credit, or professional learning credits as determined by the Division of Elementary and Secondary Education, may be earned by licensed personnel for time required at the beginning of each school year to plan and prepare a curriculum and other instructional material for their assigned classes if the time is:

(1) Spent in their classrooms, offices, or media centers at the public school; and

(2) Before the first student-teacher interaction day of the school year, but a school district shall not require licensed personnel to work additional days that are not included in their contracts unless the licensed personnel are paid their daily rate of pay.

(b) Licensed personnel shall earn one (1) hour of professional development credit, or professional learning credits as determined by the division, for each hour of planning and preparation that meets the requirements of subsection (a) of this section.

(c)(1) If illness of a teacher or a teacher's immediate family under § 6-17-1202 prevents a teacher from obtaining the required professional development, the teacher shall be allowed to make up the professional development missed during the:

(A) Remainder of the current school year; or

(B) Succeeding school year.

(2) The teacher may earn the professional development hours, or professional learning credits as determined by the division, through online professional development.

(d) A person who holds any license issued by the State Board of Education may obtain credit for required professional development through a micro-credentialing process approved by the division.

(e) The state board shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 1185, § 1; 2009, No. 1309, § 2; 2011, No. 1209, § 6; 2013 (1st Ex. Sess.), No. 2, § 2; 2015, No. 1091, § 4; 2017, No. 745, § 22; 2017, No. 936, § 47; 2019, No. 666, § 5; 2019, No. 910, § 1441.

Amendments. The 2019 amendment by No. 666 inserted “or professional learning credits as determined by the Division of Elementary and Secondary Education” in the introductory language of (a); in-

serted “or professional learning credits as determined by the division” in (b) and (c)(2); and in (c)(1), deleted “hours” following the first occurrence of “development” and substituted the second occurrence of “professional development” for “hours”.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (d).

6-17-706. Professional development credit exemption.

(a) Licensed personnel working part time shall be exempt from one-half (½) of the professional development required under the Standards for Accreditation of Arkansas Public Schools and School Districts if they work solely in any of the following adult education programs:

- (1) Adult basic education;
- (2) General adult education;
- (3) English as a second language for adults; or
- (4) High school equivalency test examiners.

(b) The State Board of Education shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 2007, § 1; 2011, No. 989, § 46; 2015, No. 1115, § 4; 2019, No. 666, § 6.

Amendments. The 2019 amendment

deleted “hours” following “development” in the introductory language of (a); and substituted “or” for “and” at the end of (a)(3).

6-17-707. Arkansas Online Professional Development Initiative.

(a) There is created the Arkansas Online Professional Development Initiative.

(b) Under the initiative, the Commissioner of Elementary and Secondary Education shall identify teacher professional development needs in the state and prioritize the needs based on the areas of professional development most needed to improve academic and teaching knowledge and skills of licensed personnel.

(c) Based on the needs and priorities identified in the assessment under subsection (b) of this section, the commissioner shall work with the Director of the Educational Television Division and local school districts to develop a statewide online professional development program that includes quality professional development courses that:

(1) Are aligned to the required focus areas identified in the State Board of Education rules governing professional development and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

(2) Are aligned with the clear, specific, and challenging academic content areas as established by the Division of Elementary and Secondary Education as required under § 6-15-2906;

(3) Are aligned with the Arkansas academic standards established by the Division of Elementary and Secondary Education for each class level or subject area included in the respective professional development programs;

(4) Are research-based and available from sources with expertise in technology-delivered professional development courses;

(5) Are consistent with the Southern Regional Education Board multistate online professional development standards in existence on January 1, 2005;

(6) Focus on improving student academic achievement by improving a teacher's academic and teaching knowledge and skills; and

(7) Include an assessment at the end of the program designed to measure each licensed person's level of understanding and ability to implement or apply the information presented in the program.

(d)(1)(A) The Arkansas Educational Television Network shall support the delivery of the online professional development courses developed as part of the initiative to teachers and administrators in each school in each school district in the state via the internet.

(B) In addition to the online courses developed as part of the initiative, the network may continue to deliver professional development by broadcast, compressed, satellite, and face-to-face methods.

(2) The online professional development courses supported by the network or other providers shall include online registration, course evaluation, and attendance and completion documents.

(3) Any provider of technology-delivered professional development under the initiative shall demonstrate an ability to successfully deliver technology-delivered products and services.

(4) If a technology-delivered professional development course or service that has been identified as needed under the assessment in subsection (b) of this section is not available, the network or other providers shall work with the Division of Elementary and Secondary Education to develop a course or service to meet the identified need.

(e)(1) The Division of Elementary and Secondary Education shall determine the content of and preapprove all professional development courses or programs delivered by the network that qualify for professional development credit as required by the Standards for Accreditation of Arkansas Public Schools and School Districts or teacher licensure requirements.

(2) The Division of Elementary and Secondary Education may approve professional development obtained through a micro-credentialing process.

(f) The Division of Elementary and Secondary Education shall provide the staff and resources needed to provide the quality leadership necessary to coordinate the initiative.

(g) The initiative shall include a method for the Division of Elementary and Secondary Education, the network, school districts, schools, and licensed personnel to annually evaluate the effectiveness of the initiative and its online professional development course and programs.

(h)(1) As part of a school district support plan, the Division of Elementary and Secondary Education may include guidelines for the professional development programs to be delivered to the licensed personnel employed by a school district receiving Level 3 — Coordinated, Level 4 — Directed, or Level 5 — Intensive support.

(2) As part of the school district support plan, the Division of Elementary and Secondary Education may require the participation and completion of professional development courses or programs by licensed personnel in a school or school district as appropriate for the licensed personnel's job assignments and duties.

History. Acts 2005, No. 2318, § 1; 2006 (1st Ex. Sess.), No. 36, § 1; 2011, No. 989, §§ 47, 48; 2013, No. 1138, § 35; 2017, No. 745, § 23; 2017, No. 936, §§ 48, 49; 2019, No. 910, §§ 1442-1445.

Amendments. The 2019 amendment substituted "Commissioner of Elementary

and Secondary Education" for "Commissioner of Education" in (b); and substituted "Division of Elementary and Secondary Education" for "Department of Education" and "division" for "department" throughout the section.

6-17-708. Mental health awareness and teen suicide awareness and prevention professional development.

(a)(1) The Division of Elementary and Secondary Education shall require two (2) hours of professional development, or professional learning credits as determined by the division, in mental health awareness and teen suicide awareness and prevention for licensed public school personnel according to the professional development schedule under § 6-17-709.

(2) The professional development under this section may be accomplished through self-review of suitable mental health awareness and suicide prevention materials approved by the division.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

History. Acts 2011, No. 770, § 1; 2013, No. 969, § 7; 2019, No. 666, § 7; 2019, No. 910, § 1446; 2021, No. 620, § 4; 2021, No. 648, § 4.

Amendments. The 2019 amendment by No. 666 inserted "or professional learning credits as determined by the division" in (a)(1).

The 2019 amendment by No. 910 substituted "The Division of Elementary and

Secondary Education" for "The Department of Education" in (a)(1); and substituted "division" for "department" in (a)(2).

The 2021 amendment by identical acts Nos. 620 and 648 added "Mental health awareness and" in the section heading and inserted "mental health awareness and" in (a)(1) and (a)(2).

6-17-709. Professional development schedule.

(a) Beginning with the 2013-2014 school year, a school district or an open-enrollment public charter school shall make available to the appropriate licensed personnel the following professional development:

(1) In the 2013-2014 school year and every fourth school year thereafter, the professional development for mandated reporters and licensed elementary and secondary public school personnel required under § 6-61-133;

(2) In the 2014-2015 school year and every fourth school year thereafter, the family and community engagement professional development under § 6-15-1703;

(3) In the 2023-2024 school year and every fourth school year thereafter, the mental health awareness and teen suicide awareness and prevention professional development required under § 6-17-708; and

(4) In the 2016-2017 school year and every fourth school year thereafter, the Arkansas history professional development required under § 6-17-703.

(b)(1) Two (2) hours of the professional development, or professional learning credit as determined by the Division of Elementary and Secondary Education, required by subsection (a) of this section shall be counted in one (1) school year toward the professional development required for licensed educators under the Division of Elementary and Secondary Education Rules Governing Professional Development.

(2) If additional hours or professional learning credits are obtained by a licensed educator, the school district may count those hours or credits as part of the professional development required for licensed educators under the Division of Elementary and Secondary Education Rules Governing Professional Development.

(c) Annually, the State Board of Education may require up to six (6) hours of integrated professional development, or professional learning credits determined by the Division of Elementary and Secondary Education, for licensed educators in educational technology.

(d) The Division of Elementary and Secondary Education shall establish the curriculum under this section in collaboration with educational agencies and associations, including without limitation the:

- (1) Division of Higher Education;
- (2) Arkansas Association of Educational Administrators;
- (3) Arkansas Education Association;
- (4) Arkansas School Boards Association;
- (5) Arkansas Association for Supervision and Curriculum Development;
- (6) Arkansas State Teachers Association; and
- (7) Arkansas Rural Ed Association.

(e)(1) The professional development under this subsection shall not be provided by a school district but shall be provided by:

- (A) The Division of Elementary and Secondary Education;
- (B) An institution of higher education; or
- (C) Providers approved by the Division of Elementary and Secondary Education.

(2)(A) Before a person receives a building level administrator's license, the person shall successfully complete the teacher evaluation professional development program.

(B) A person who receives an initial building level administrator's license shall complete the certification assessment for the teacher evaluation professional development program before or after receiving the initial building level administrator's license.

(3)(A) The Division of Elementary and Secondary Education shall not issue an initial teaching license until the applicant verifies that he or she has obtained the required professional development concerning:

- (i) Mandated reporters under § 6-61-133;
- (ii) Family and community engagement under § 6-15-1703;
- (iii) Teen suicide awareness and prevention under § 6-17-708;
- (iv) Arkansas history under § 6-17-703; and
- (v) Human trafficking under § 6-17-710.

(B) For a teaching license issued under the state's reciprocity provisions to an out-of-state teacher, the Division of Elementary and Secondary Education shall issue a provisional license until the licensee obtains the professional development identified in subdivision (e)(3)(A) of this section.

History. Acts 2013, No. 969, § 8; 2019, No. 666, §§ 8-11; 2019, No. 910, §§ 1447-1452; 2021, No. 620, § 5; 2021, No. 648, § 5.

Amendments. The 2019 amendment by No. 666 substituted "family and community engagement" for "parental involvement" in (a)(2); in (b)(1), inserted "or professional learning credit as determined by the Division of Elementary and Secondary Education" and deleted "minimum number of hours of" following "toward the"; in (b)(2), inserted "or professional learning credits", inserted "or credits", and deleted "minimum number of hours of" following "part of the"; in (c), inserted "or professional learning credits deter-

mined by the Division of Elementary and Secondary Education"; in (e)(3)(A)(ii), substituted "Family and community engagement" for "Parental involvement"; added (e)(3)(A)(v); and made a stylistic change.

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout the section; and substituted "Division of Higher Education" for "Department of Higher Education" in (d)(1).

The 2021 amendment by identical acts Nos. 620 and 648 substituted "2023-2024" for "2015-2016" and inserted "mental health awareness and" in (a)(3).

6-17-710. Human trafficking professional development.

(a) Each year, a school district shall make available to licensed personnel thirty (30) minutes of professional development, or professional learning credit as determined by the Division of Elementary and Secondary Education, on:

(1) Recognizing the warning signs that a child is a victim of human trafficking; and

(2) Reporting a suspicion that a child is a victim of human trafficking.

(b) The Division of Elementary and Secondary Education or another person, firm, or corporation designated by the division shall develop and administer the professional development under subsection (a) of this section.

(c) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

History. Acts 2017, No. 765, § 3; 2019, No. 666, § 12; 2019, No. 910, § 1453.

Amendments. The 2019 amendment by No. 666 inserted “or professional learning credit as determined by the Division of Elementary and Secondary Education” in the introductory language of (a); and made a stylistic change.

The 2019 amendment by No. 910, in (b), substituted “Division of Elementary and Secondary Education” for “Department of Education” and “division” for “department”.

6-17-711. Bullying prevention — Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

- (1) Bullying prevention; and
- (2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

- (A) A public school district’s obligations under § 6-18-514;
- (B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and
- (C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.

History. Acts 2019, No. 1029, § 3.

A.C.R.C. Notes. Acts 2019, No. 1029, § 1, provided: “Legislative findings and intent. The General Assembly finds that:

“(1) A 2016 study, ‘Indicators of School Crime and Safety,’ published by the United States Department of Justice and the United States Department of Education, reported that twenty-one percent

(21%) of students twelve (12) through eighteen (18) years of age reported being bullied at school during the previous school year;

“(2) The same 2016 study also reported that about thirty-three percent (33%) of students who reported being bullied at school indicated that they were bullied at least once or twice a month during the

school year;

“(3) A 2017 study by the Centers for Disease Control and Prevention, the Youth Risk Behavior Surveillance study, reported that Arkansas ranks highest in the nation for the percentage of teenagers who were bullied on school property;

“(4) The persistence of school bullying has led to instances of student suicide across the country, including Arkansas;

“(5) Significant research findings have emerged since Arkansas enacted its public school anti-bullying statutes in 2003 and its cyberbullying law in 2011;

“(6) School districts and students, parents, teachers, principals, other school staff, and school district boards of directors would benefit from the establishment of clearer standards regarding what constitutes bullying and how to prevent, report, investigate, and respond to incidents of bullying;

“(7) It is the intent of the General As-

sembly in enacting this legislation to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of bullying of students that occur on and off school property;

“(8) Fiscal responsibility requires Arkansas to take a more effective and clearer approach to eliminate school bullying by ensuring that existing resources are better managed and used to make schools safer for students; and

“(9) By strengthening the standards and procedures for the prevention, reporting, and investigation of and the response to incidents of bullying, it is the intent of the General Assembly to reduce the risk of suicide among students and avert not only the needless loss of a young life but also the tragedy that such loss causes a student's family and the community at large.”

SUBCHAPTER 8 — TEACHERS’ SALARIES GENERALLY

SECTION.

6-17-803. Optional contract payable in monthly installments.

6-17-805. Deduction for professional membership dues — Definitions.

6-17-810. Teachers for the Deaf, deaf, or Hard of Hearing entering state service.

SECTION.

6-17-811. Incentives for teacher recruitment and retention in high-priority districts — Definitions.

6-17-812. Compensation for teaching more than the maximum number of students permitted.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-803. Optional contract payable in monthly installments.

(a)(1) Any school district in this state, at the option of the school district board of directors, may enter into contracts for the hiring of

teachers to teach in the next coming school year, whereby the annual salaries of such teachers may be paid on the basis of twelve (12) equal monthly installments.

(2) In no case shall the monthly installments under such contracts commence earlier than the first day of the commencement of the school fiscal year covered by the contract.

(b)(1) Any contract entered into pursuant to this section whereby payments are to be made before the commencement of the teaching duties under such contract in the school year covered thereby shall contain a clause clearly setting forth the liability of any teacher who receives payments before the commencement of teaching duties and who refuses to perform under the terms of the contract.

(2) Such clause shall be to the effect that any schoolteacher breaching such a contract shall be indebted to the school district for the amount of moneys received by him or her under the contract before the commencement of his or her teaching duties.

(3) If any teacher fails to repay any money owed to a school district upon a contract breached by him or her, the secretary of the school district shall certify the failure to the Division of Elementary and Secondary Education, and the State Board of Education shall suspend the teacher's license until all of the money is repaid.

(c) Any school district, or any officer thereof, charged with the responsibility of negotiating and entering into contracts for the employment of teachers for such school district shall be relieved of any liability arising from the breach of any contract made in good faith pursuant to the provisions of this section.

History. Acts 1965, No. 70, §§ 1-3; A.S.A. 1947, §§ 80-1330 — 80-1332; Acts 2011, No. 989, § 49; 2019, No. 910, § 1454.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(3).

6-17-805. Deduction for professional membership dues — Definitions.

(a) Upon the written request of any teacher or classified employee, the board of directors of any school district of the state shall deduct from the salary of that teacher or classified employee such sums as the teacher or classified employee shall specify for the payment of membership dues in any bona fide teacher's or employee's educational professional organization designated by the teacher or classified employee in the request.

(b) The teacher or classified employee may request a lump-sum deduction or have the sum to be deducted spread over the school year.

(c) The board of directors, or its authorized representative, shall transmit the sum deducted to the organizations designated by the teacher or classified employee in the request.

(d) All requests shall bear the manual signature of the teacher or classified employee.

(e) The request shall be filed with the contract of the teacher or classified employee and shall be subject to audit by Arkansas Legislative Audit.

(f) As used in this section:

(1) "Classified employee" means any person employed by a school district under a written annual contract who is not required to have a teaching license issued by the Division of Elementary and Secondary Education as a condition of employment; and

(2) "Teacher" means any person holding a license issued by the State of Arkansas and employed by a school district in a teaching, instructional, supervisory, administrative, or educational and scientific capacity.

History. Acts 1969, No. 108, §§ 1, 2; A.S.A. 1947, §§ 80-1333, 80-1334; Acts 2003 (2nd Ex. Sess.), No. 111, § 1; 2013, No. 1138, § 36; 2019, No. 910, § 1455.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (f)(1).

6-17-810. Teachers for the Deaf, deaf, or Hard of Hearing entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the Deaf, deaf, or Hard of Hearing and entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than their most recent annual salary.

History. Acts 1999, No. 1013, § 14; 2011, No. 989, § 52; 2021, No. 84, § 2.

substituted "Deaf, deaf, or Hard of Hearing" for "hearing impaired" in the section heading and in the section.

Amendments. The 2021 amendment

6-17-811. Incentives for teacher recruitment and retention in high-priority districts — Definitions.

(a) As used in this section:

(1) "High-priority district" means a public school district:

(A) In which eighty percent (80%) or more of public school students are national school lunch students; and

(B)(i) Except as provided by subdivision (a)(1)(B)(ii) of this section, that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.

(ii) In order to further the state's policy of encouraging efficiency and the expansion of available course offerings that might be achieved through the voluntary consolidation or annexation of school districts, qualifying teachers in the resulting school district in an approved voluntary consolidation under § 6-13-1404(a)(2) or § 6-13-1603(a) or in a receiving district in an approved voluntary annexation under § 6-13-1403(a)(2)-(4) or § 6-13-1603(a) shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high-priority districts

in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.

(iii) By April 15 of each year, the State Board of Education shall determine the districts that qualify as high-priority districts of the state;

(2)(A) "National school lunch students" means those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Division of Elementary and Secondary Education, unless the school district is identified by the division as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

(B) If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section the school district's annual percentage of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type;

(3)(A) "New teacher bonus" means an incentive bonus provided under subdivisions (b)(1)-(3) of this section to a teacher who is within the first three (3) years of employment with a single high-priority district.

(B) A teacher is not entitled to receive a new teacher bonus from any high-priority district other than the high-priority district that first employed the teacher and paid the teacher a new teacher bonus;

(4) "Previous year" means the school year immediately preceding the present school year;

(5) "Retention bonus" means an incentive bonus provided under subdivision (b)(4) or subdivision (b)(5) of this section; and

(6)(A) "Teacher" means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.

(B) "Teacher" includes a guidance counselor or librarian.

(b) At the end of the school year and upon completion of a licensed teacher's contracted teaching obligations, a teacher who completes the entire current school year teaching in a high-priority district may be entitled to receive in addition to all other contracted salary and benefits:

(1) For a newly hired teacher who has not previously taught in a high-priority district, a one-time signing bonus of five thousand dollars (\$5,000) for the first year of service in the high-priority district, to be paid upon completion of the full year of teaching;

(2) For a newly hired teacher who meets the requirements of subdivision (b)(1) of this section, who continues to teach in the same

high-priority district, and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(3) For a teacher who meets the requirements of subdivisions (b)(1) and (2) of this section, who continues to teach in the same high-priority district, and who completes a third year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(4) For a teacher who meets the requirements of subdivisions (b)(1)-(3) of this section, who enters his or her fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed at the time he or she received a new teacher bonus under subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations; and

(5) For a teacher employed in a high-priority district who does not meet the requirements of subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for each complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations.

(c)(1) A teacher shall not be entitled to a bonus provided under this section unless the teacher has fulfilled his or her contractual obligations for the current school year.

(2) The superintendent of the high-priority district where the teacher is employed shall certify in writing to the division that the teacher has completed all contractual obligations for the school year.

(d) The division shall:

(1) Monitor the implementation of the incentive program established by this section;

(2) Collect data to be used to evaluate the incentive program's effectiveness; and

(3) Promulgate any necessary rules to administer the requirements of this teacher recruitment and retention program.

(e)(1) The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts and are subject to the appropriation and availability of funding for the payment of the bonuses.

(2) If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the division shall distribute the available funding to qualified teachers on a pro rata basis.

History. Acts 2003 (2nd Ex. Sess.), No. 101, § 1; 2005, No. 1962, § 12; 2005, No. 2151, § 31; 2007, No. 1044, § 1; 2009, No. 969, § 1; 2011, No. 1135, § 1; 2019, No. 910, §§ 1456-1459.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" twice in (a)(2)(A); and substituted "division" for "department" in (c)(2),

in the introductory language of (d), and in (e)(2).

6-17-812. Compensation for teaching more than the maximum number of students permitted.

(a)(1) If a teacher of students in grades five through twelve (5-12) agrees to teach more than the maximum number of students in grades five through twelve (5-12) that is permitted per day under the Standards for Accreditation of Arkansas Public Schools and School Districts, then the teacher's pay under his or her contract shall be increased by an amount proportionate to the teacher's base pay and the additional number of students taught by the teacher.

(2) However, a teacher shall not exceed the maximum class size permitted under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(3) A teacher of students in grades five through twelve (5-12) may agree to use his or her conference period during the day to teach an additional class period or to teach more than the maximum number of students per day and shall be compensated at a prorated portion of his or her contract for both the extra class period and for every additional student he or she teaches over the maximum number of students permitted per day under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(4) The Division of Elementary and Secondary Education shall include in the Standards for Accreditation of Arkansas Public Schools and School Districts the maximum number of students in grades five through twelve (5-12) that a teacher of students in grades five through twelve (5-12) is permitted to teach per day without receiving additional compensation under this section.

(b)(1) A teacher is not required to teach more than the maximum number of students permitted per day under the Standards for Accreditation of Arkansas Public Schools and School Districts, but a teacher may agree to teach more than the maximum number of students permitted per day.

(2) A teacher shall sign an agreement with the school district for the additional compensation that is applicable to the semester in which the teacher agrees to teach more than the maximum number of students permitted per day under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(3)(A) Neither the school district nor the teacher is obligated to enter into or renew an agreement or continue an agreement past the semester in which the agreement is signed.

(B) An agreement between the teacher and the school district shall be signed before any additional compensation is provided.

(C) The provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., do not apply to an agreement entered into between a teacher and a school district under this section.

(4) A public school or school district that enters into, renews, or continues an agreement with a teacher under this section is not in

violation of the Standards for Accreditation of Arkansas Public Schools and School Districts because the teacher teaches more than the maximum number of students per day.

(c) This section does not apply to a public school that operates primarily as a virtual school.

(d) A school district shall adopt a policy to implement this section.

(e)(1) The division shall promulgate rules to implement this section.

(2) The rules promulgated by the division shall include without limitation the manner in which students in grades five (5) and six (6) are to be counted for the purposes of this section.

History. Acts 2015, No. 993, § 1; 2017, No. 1113, § 1; 2018, No. 243, § 33; 2019, No. 910, §§ 1460, 1461; 2019, No. 979, § 1.

Amendments. The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(4)(A); and substituted “division” for “department” in (a)(4)(B), (e)(1), and (e)(2).

The 2019 amendment by No. 979, in (a)(1) and (a)(3), substituted “teacher of students” for “teacher” and deleted “or subdivision (a)(4)(A) of this section” following “Districts”; inserted “in grades five through twelve (5-12) that is” in (a)(1); rewrote (a)(2); deleted former (a)(4)(A); and rewrote and redesignated former (a)(4)(B) as (4).

SUBCHAPTER 9 — THE ARKANSAS TEACHERS’ SALARY LAW

SECTION.

6-17-907. Funds generally.

6-17-911. Effect of failure to make records and settlements.

SECTION.

6-17-913. Audits of accounts.

6-17-919. Warrants void without valid license and contract.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-907. Funds generally.

(a) The county treasurer of each county in the state is directed to establish for each school district for which he or she is treasurer the following funds:

- (1) The teachers’ salary fund;
- (2) Operating fund;
- (3) Building fund;

- (4) Debt service fund;
- (5) Capital outlay fund; and
- (6) Consolidated federal grants fund — Control.

(b) The county treasurer shall credit to the operating fund all other revenues not earmarked for the building fund, debt service fund, capital outlay fund, or consolidated federal grants fund.

(c) The county treasurer shall credit to the building fund those funds received:

- (1) Through the sale of bonds or otherwise; and

(2) From insurance collected for damages to school property except when the property damages have been repaired out of the operating fund which will be reimbursed by the insurance proceeds.

(d) The county treasurer shall credit to the debt service fund revenue from any continuing levy for the retirement of bonded indebtedness.

(e) The county treasurer shall credit to the capital outlay fund any revenue specifically dedicated for capital outlay fund purposes.

(f) The county treasurer shall credit all the various federal funds to the consolidated federal grants fund unless otherwise specifically designated by the Division of Elementary and Secondary Education.

(g) The county treasurer charged with custody of the aforementioned consolidated federal grants fund shall be responsible only for the combined federal funds in his or her possession without regard to the various approved projects and limitations within the total federal allocations to the school district.

(h) Accountability and separability of various projects shall be the responsibility of each school district.

(i) The approved budget for the school district shall be used as a guide by the county treasurer in the settling of these funds.

(j) The local board may authorize the county treasurer to transfer funds from the operating fund to the teachers' salary fund.

(k) The county treasurer may request representatives of Arkansas Legislative Audit or the division to assist in establishing and crediting the various percentages of revenue to the respective funds.

(l) When a school district has a school district treasurer, the county treasurer may establish for that school district only the fund or funds needed to properly note revenues received for the school district and disbursements made to the school district.

(m)(1) If a school district uses a computerized accounting system that properly segregates revenues and disbursements by type and fund in accordance with state law and Arkansas Legislative Audit requirements, the school district may request that the county treasurer, serving as school district treasurer, receive and disburse all funds from one (1) operating account.

(2) The request shall be made in writing by the superintendent of the school district to the county treasurer.

History. Acts 1941, No. 319, § 3; 1943, No. 136, § 2; 1949, No. 451, § 2; 1973, No. 496, § 1; 1981, No. 102, § 1; A.S.A. 1947, § 80-1303; Acts 1993, No. 294, § 11; 1995, No. 233, §§ 3, 4; 1999, No. 1078, § 62; 2001, No. 533, §§ 1, 2; 2019, No. 910, §§ 1462, 1463.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (f); and substituted "or the Division of Elementary and Secondary Education" for "or of the department" in (k).

6-17-911. Effect of failure to make records and settlements.

(a) The disbursing officer of the State Board of Education shall withhold any and all state funds due the school districts of any county until the county treasurer has set up his or her records in accordance with § 6-17-907.

(b) If the county collector fails to make settlements with the county treasurer as now provided by law, the county treasurer shall forthwith notify the Commissioner of Elementary and Secondary Education and the Secretary of the Department of Finance and Administration of such failure.

(c)(1) If such delinquent settlement is not made within two (2) weeks, the Treasurer of State shall withhold the monthly distribution of county aid provided for under § 19-5-602(b) upon notification from the secretary that the county has failed to make such settlement.

(2) The monthly distribution shall be withheld until such settlement is made to the satisfaction of the secretary.

History. Acts 1941, No. 319, § 3; 1945, No. 301, § 3; 1949, No. 451, § 2; A.S.A. 1947, § 80-1303; Acts 1993, No. 294, § 11; 1999, No. 1078, § 63; 2019, No. 910, § 3367.

substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (b); substituted "Secretary" for "Director" in (b) and (c)(1); and substituted "secretary" for "director" in (c)(2).

Amendments. The 2019 amendment

6-17-913. Audits of accounts.

(a) The accounts of all school districts shall be audited annually by Arkansas Legislative Audit or a certified public accountant.

(b) Where audits are made by a certified public accountant, a certified copy of the audit shall be distributed to the school district, the Department of Finance and Administration, the Division of Career and Technical Education, and the Division of Elementary and Secondary Education.

(c)(1) Arkansas Legislative Audit shall provide a copy of every audit report performed on each school district to the county clerk of the county in which the school district is located.

(2) The county clerk shall keep a copy of the audit reports performed on the school district on file for at least two (2) years.

History. Acts 1941, No. 319, § 4; 1943, No. 136, § 3; 1947, No. 138, § 2; 1949, No. 451, § 3; A.S.A. 1947, § 80-1304; Acts 1993, No. 294, § 11; 1999, No. 1078, § 65;

1999, No. 1244, § 1; 2019, No. 910, § 1464.

Amendments. The 2019 amendment, in (b), substituted "Division of Career and

Technical Education” for “Department of Elementary and Secondary Education” for Career Education” and “Division of Elementary and Secondary Education” for “Department of Education”.

6-17-919. Warrants void without valid license and contract.

(a) All warrants issued in payment of teachers’ salaries are void unless:

(1) The teacher is:

(A) Licensed to teach in the State of Arkansas by a license issued by the State Board of Education; or

(B) A substitute teacher employed under § 6-15-1004 and rules of the State Board of Education;

(2) The teacher has been employed by a valid written contract; and

(3) Copies of such contract are on file in the office of the county treasurer or the school district treasurer if the school district has its own treasurer.

(b)(1) The school district superintendent and the superintendent’s surety shall be liable for any warrants that he or she countersigns in payment of teachers’ salaries unless and until the state board has issued a valid license or the Division of Elementary and Secondary Education has provided the documentation required by subdivision (a)(1)(B) of this section.

(2) An online copy that is accessible on a website designated by the division is sufficient evidence of the issuance of a valid license or the documentation required by subdivision (a)(1)(B) of this section.

(c) The county treasurer, or the school district treasurer if the school district has its own treasurer, and his or her surety shall be liable for all warrants in payment of teachers’ salaries that he or she pays unless and until there is a valid contract on file in his or her office.

History. Acts 1941, No. 319, § 4; 1959, No. 455, § 1; 1961, No. 63, § 1; 1973, No. 496, § 2; 1983, No. 402, § 1; A.S.A. 1947, § 80-1304; Acts 1993, No. 294, § 11; 1995, No. 233, § 8; 1995, No. 1296, § 20; 1999, No. 1078, § 69; 2007, No. 710, § 4; 2013, No. 454, § 5; 2017, No. 745, § 24; 2019, No. 910, § 1465.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b)(1); and substituted “division” for “department” in (b)(2).

SUBCHAPTER 11 — INSURANCE

SECTION.

6-17-1109. Life and disability insurance — Notice, evaluation, and approval of bid proposals.
6-17-1113. School Worker Defense Program.

SECTION.

6-17-1114. Cooperation.
6-17-1117. Health insurance — Definition.
6-17-1118. School Worker Defense Program Advisory Board.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 1004, § 29: Apr. 28, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the decisions currently made by the State and Public School Life and Health Insurance Board are of critical importance to the financial

health of the state; that the State Board of Finance shall preserve the public peace, health, and safety by effectively administering the State and Public School Life and Health Insurance Program; that this act provides for the abolition of the State and Public School Life and Health Insurance Board, and the transfer of the duties of the State and Public School Life and Health Insurance Board to the State Board of Finance; and that this act is immediately necessary because the decisions made by the State Board of Finance are necessary to ensure that the State and Public School Life and Health Insurance Program administered by the State Board of Finance provides its vital services to the public school and state employees and to ensure that there are no disruptions or complications with vital employee benefits. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-1109. Life and disability insurance — Notice, evaluation, and approval of bid proposals.

(a) Before selecting a policy or entering into an agreement with an insurance company for the providing of life or disability insurance for public school employees as authorized in this subchapter, the State Board of Finance shall publicize, by inserting in one (1) or more newspapers having a general circulation in the State of Arkansas, notice that bid proposals for the providing of life or disability insurance for public school employees will be received by the board on the date and at the place stated in the notice.

(b) The notice shall be published by two (2) insertions with the first insertion to be at least thirty (30) days before the date for receiving bids and with the second insertion to be not later than two (2) weeks before the date for receiving bids.

(c)(1) The board shall open all bids in a public meeting at the time and place established in the notice for receiving bid proposals.

(2) All bids so opened shall be made available for public inspection.

(d)(1) The board shall evaluate each bid proposal according to the uniform criteria established by the Insurance Commissioner for evaluating benefits in relation to premiums to be charged for the benefits.

(2) The board shall also determine that each insurance company submitting a bid meets the minimum standards for financial solvency and ability to provide services as promulgated by the commissioner.

(e) After reviewing all bids, the board may approve the policy proposal with the insurance company that the board determines has submitted the bid with the best benefit coverage in relation to the premiums to be paid, as the board determines to be in the best interest of the public school employees' life or disability program.

(f) A bid contract shall be for a minimum of five (5) years.

(g) However, the board may reject any bid and readvertise for bids as set forth in this section.

History. Acts 1977, No. 834, § 10; A.S.A. 1947, § 80-5110; Acts 1993, No. 855, § 3; 2009, No. 376, § 30; 2021, No. 1004, § 2.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: "Abolition of the State and Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

"(a) The General Assembly finds that:

"(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

"(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

"(3) The State Board of Finance is established to manage the state's financial concerns;

"(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State and Public School Life and Health Insurance Program; and

"(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

"(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health

Insurance Board be vested in the State Board of Finance.

"(c)(1) The administrative functions of the State and Public School Life and Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

"(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

"(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

"(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board shall be performed by the designee of the State Board of Finance.

"(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

"(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules,

regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board before the effective date of this act [April 28, 2021].

“(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

“(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be sub-

mitted to the Legislative Council for approval before implementation by the State Board of Finance.

“(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

“(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021].”

Amendments. The 2021 amendment substituted “State Board of Finance” for “State and Public School Life and Health Insurance Board” in (a).

6-17-1113. School Worker Defense Program.

(a)(1) The Division of Elementary and Secondary Education shall establish a School Worker Defense Program for the protection under subdivision (a)(2) of this section of:

- (A) Education service cooperatives;
- (B) Education service cooperative board members;
- (C) School districts;
- (D) Public charter schools;
- (E) School district board members;
- (F) School treasurers and bookkeepers;
- (G) School nurses;
- (H) School secretaries;
- (I) Substitute teachers;
- (J) Authorized volunteers;
- (K) Volunteers in a registered volunteers program;
- (L) School custodians;
- (M) Food service workers employed by public schools;
- (N) Bus drivers and mechanics employed by public schools;
- (O) Maintenance personnel employed by public schools;
- (P) Each employee of the following who is required to hold an educator license issued by the division:
 - (i) A public school district;
 - (ii) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (iii) The Arkansas School for the Deaf; and
 - (iv) The Arkansas School for the Blind;
- (Q) A public charter school teacher;
- (R) Each teacher’s aide and each student teacher:
 - (i) In a public school district;
 - (ii) In a public charter school;

(iii) In the Arkansas School for Mathematics, Sciences, and the Arts;

(iv) In the Arkansas School for the Deaf; and

(v) In the Arkansas School for the Blind; and

(S) Each member of the dormitory staff of:

(i) The Arkansas School for Mathematics, Sciences, and the Arts;

(ii) The Arkansas School for the Deaf; and

(iii) The Arkansas School for the Blind.

(2)(A) This section provides protection against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including without limitation civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars (\$250,000) for incidents that occurred before July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident that occurs after June 30, 1999.

(B) An employee or volunteer who administers corporal punishment to a child who is intellectually disabled, nonambulatory, non-verbal, or autistic is not subject to the protection against civil liability, attorney's fees, and costs of defense under subdivision (a)(2)(A) of this section.

(b)(1) The School Worker Defense Program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars (\$5,000) for attorney's fees and costs for the defense of criminal charges if the covered person is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless:

(A) Withdrawal or dismissal of the criminal charges is conditioned upon termination of employment or surrender of a professional license; or

(B) The covered person enters a plea of guilty or nolo contendere to the criminal charges.

(2) The School Worker Defense Program Advisory Board may authorize reimbursement under this subsection in excess of five thousand dollars (\$5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs.

(c)(1) The cost of the School Worker Defense Program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.

(2) Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the division or the School Worker Defense Program shall be deemed a proper expenditure of state funds.

(d) The investigation of any incident or the defense of any protected person does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

(e)(1) The defense fund and protection program authorized in this section shall be a part of and administered by the division.

(2) The division shall adopt appropriate rules necessary to carry out the purposes of this section.

(f) Any person entitled to payment under the School Worker Defense Program may appeal the decision of the division to the advisory board.

History. Acts 1977, No. 585, §§ 1, 2, 4; 1983, No. 566, § 1; A.S.A. 1947, §§ 80-113.1 — 80-113.3; Acts 1987, No. 612, § 1; 1989, No. 274, § 1; 1991, No. 276, § 1; 1993, No. 355, § 1; 1997, No. 948, § 1; 1997, No. 1012, § 7; 1997, No. 1305, § 1; 1999, No. 540, § 1; 2011, No. 993, § 1; 2013, No. 1073, §§ 25, 26; 2013, No. 1138, § 38; 2019, No. 315, § 232; 2019, No. 557, § 3[2]; 2019, No. 910, §§ 1466-1469.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (e)(2).

The 2019 amendment by No. 557 added the (a)(2)(A) designation and added (a)(2)(B); inserted “without limitation” in (a)(2)(A); and made stylistic changes.

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(1); and substituted “division” for “department” in (c)(2), twice in (e), and in (f).

6-17-1114. Cooperation.

It is the duty of the State Board of Finance, the Supervisor of the Public School Employees Insurance Section and the insurance section employees, the Division of Elementary and Secondary Education, and each public school district and their officers and employees:

(1) To cooperate with one another, when called upon to do so, in all such reasonable ways as will assist or further the objectives of the board by making available records and statistical or other data or information to provide legal and actuarial advice; and

(2) If required, to occasionally make available the services of their officers and employees.

History. Acts 1977, No. 834, § 13; A.S.A. 1947, § 80-5113; Acts 2009, No. 376, § 32; 2019, No. 910, § 1470; 2021, No. 1004, § 3.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: “Abolition of the State and Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

“(a) The General Assembly finds that:

“(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

“(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

“(3) The State Board of Finance is established to manage the state’s financial concerns;

“(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State and Public School Life and Health Insurance Program; and

“(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

“(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health Insurance Board be vested in the State Board of Finance.

“(c)(1) The administrative functions of the State and Public School Life and

Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

“(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

“(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

“(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board shall be performed by the designee of the State Board of Finance.

“(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

“(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules, regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board before the effective date of this act [April 28, 2021].

“(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

“(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be submitted to the Legislative Council for approval before implementation by the State Board of Finance.

“(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

“(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021].”

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education”.

The 2021 amendment substituted “State Board of Finance” for “State and Public School Life and Health Insurance Board” in the introductory language.

6-17-1117. Health insurance — Definition.

(a)(1) Beginning on January 1, 2014, a school district shall pay the health insurance contribution rate of one hundred fifty dollars (\$150) per month for each eligible employee electing to participate in the public school employees’ health insurance program.

(2) The minimum contribution rate under subdivision (a)(1) of this section shall increase annually by the same percentage that the legislature increases the per-student foundation funding amount under § 6-20-2305.

(3)(A) Unless exempt under subdivision (a)(5) of this section, the local contribution rate of a school district shall also increase by the same percentage that a school district increases the base salary for

licensed personnel with a minimum of a bachelor's degree under the licensed salary schedule adopted by the school district.

(B) As used in this section, "local contribution rate" means the minimum rate required under subdivision (a)(1) of this section in addition to the contribution amount a school district provides for health insurance above that minimum contribution rate.

(4) A change to the local contribution rate under subdivision (a)(3) of this section is effective for the plan year after the change to the licensed salary schedule is adopted by a school district.

(5) A school district is not required to increase the local contribution rate as directed under subdivision (a)(3) of this section if the school district:

(A) Is required to raise the base salary of licensed personnel with a minimum of a bachelor's degree due to an increase in the minimum teacher compensation schedule under § 6-17-2403;

(B) Has a participation rate of seventy-five percent (75%) or more of all eligible personnel participating in the public school employees' health insurance program; or

(C) Has a local contribution rate of one hundred twenty-five percent (125%) or more of the minimum contribution rate required under this subsection.

(b)(1)(A) The Division of Elementary and Secondary Education shall pay the Employee Benefits Division a minimum of sixty-one dollars (\$61.00) per month for each eligible employee electing to participate in the public school employees' health insurance program administered by the State Board of Finance.

(B) The Division of Elementary and Secondary Education shall make the total contributions under subdivision (b)(1)(A) of this section by transferring fifty-five million dollars (\$55,000,000) to the Employee Benefits Division in twelve (12) equal monthly installments.

(2) The funds provided to the Employee Benefits Division under this subsection shall be administered by the board for the benefit of the employee participants of the public school employees' health insurance program.

(3)(A) In the event that appropriation or funding is not provided, the Division of Elementary and Secondary Education shall not be responsible for the increased payments for the public school employees' health insurance program as established by this section.

(B) If funding and appropriation are provided but are inadequate for the total number of employees electing to participate in the public school employees' health insurance program, the Division of Elementary and Secondary Education shall pay a proportional share on behalf of each participant.

(C) If funding and appropriation are provided and exceed the amount needed to make the minimum contribution under subdivision (b)(1)(A) of this section, the Division of Elementary and Secondary Education shall pay a proportional share of the excess on behalf of each participant.

(c)(1) A school district shall:

(A) Provide the same employer-provided health insurance benefits for all full-time school district employees; and

(B) Pay the same employer contribution rate for each eligible employee electing to participate in the public school employees' health insurance program.

(2) If a school district entered into a contract with a superintendent, teacher, or other employee before April 11, 2006, and the contract provides for a higher employer contribution rate than is paid for a majority of the licensed personnel in the school district, then the school district may continue to pay the higher contribution rate as provided under the existing contract but not under extensions, addendums, or new contracts created after April 11, 2006, without increasing all other employees to the same rate.

(3) Any school district that entered into contracts with classified personnel before July 31, 2007, and the contracts provided for a higher employer contribution funding amount than is paid for licensed personnel in the school district shall freeze the employer contribution funding amount for classified employees until such time as the funding amount contributed for licensed personnel equals or exceeds the funding amount provided for classified employees.

History. Acts 1995, No. 1194, § 14; 2001, No. 1745, § 1; 2005, No. 1842, § 1; 2006 (1st Ex. Sess.), No. 24, § 1; 2006 (1st Ex. Sess.), No. 25, § 1; 2007, No. 229, § 28; 2007, No. 306, § 1; 2007, No. 1009, § 18; 2007, No. 1420, § 32; 2013, No. 517, § 1; 2013, No. 1138, § 39; 2015, No. 995, § 1; 2017, No. 298, § 1; 2017, No. 741, §§ 2, 3; 2019, No. 910, § 1471; 2021, No. 621, §§ 1, 2; 2021, No. 1004, § 4.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: "Abolition of the State and Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

"(a) The General Assembly finds that:

"(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

"(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

"(3) The State Board of Finance is established to manage the state's financial concerns;

"(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State

and Public School Life and Health Insurance Program; and

"(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

"(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health Insurance Board be vested in the State Board of Finance.

"(c)(1) The administrative functions of the State and Public School Life and Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

"(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

"(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

"(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board shall be performed by the designee of the State Board of Finance.

"(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

"(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules, regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board before the effective date of this act [April 28, 2021].

"(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

"(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design,

plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be submitted to the Legislative Council for approval before implementation by the State Board of Finance.

"(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

"(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021]."

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout (b); deleted "of the Department of Finance and Administration" following "Employee Benefits Division" in (b)(1)(A); and substituted "Employee Benefits Division" for "division" in (b)(1)(B) and (b)(2).

The 2021 amendment by No. 621 inserted "with a minimum of a bachelor's degree" in (a)(3)(A) and (a)(5)(A).

The 2021 amendment by No. 1004 substituted "State Board of Finance" for "State and Public School Life and Health Insurance Board" in (b)(1)(A).

6-17-1118. School Worker Defense Program Advisory Board.

(a) The School Worker Defense Program Advisory Board is created. The board shall be composed of seven (7) members as follows:

(1) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;

(2) The President of the Arkansas Rural Ed Association or his or her designee;

(3) The Executive Director of the Arkansas School Boards Association or his or her designee;

(4) The Executive Director of the Arkansas Education Association or his or her designee;

(5) The designee of the Attorney General;

(6) The Secretary of the Department of Finance and Administration or his or her designee; and

(7)(A) The Commissioner of Elementary and Secondary Education or his or her designee.

(B) Provided, however, no employee of the Division of Elementary and Secondary Education who is charged with administering the defense fund and protection program shall be eligible to serve as the designee of the commissioner.

(b) Members of the board shall biannually elect a chair, a vice chair, and a secretary from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board.

(c)(1) The board shall meet within the State of Arkansas and may meet as often as it deems necessary for the purpose of carrying out its duties under the provisions of this section.

(2) A majority of the members of the board shall constitute a quorum for the purpose of a meeting.

(d)(1) The board shall have final authority to hear and adjudicate any appeal filed by a school worker for protection against liability pursuant to § 6-17-1113.

(2) In an emergency situation, the chair of the board may approve payment of a claim without a meeting of the board.

(e)(1) The Division of Elementary and Secondary Education may promulgate rules as necessary for the proper administration of this section to establish the board.

(2) The Division of Elementary and Secondary Education shall provide support staff for the board.

History. Acts 1999, No. 540, § 2; 2019, No. 315, § 233; 2019, No. 910, §§ 1472, 1473.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (e)(1).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director

of the Department of Finance and Administration” in (a)(6); substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (a)(7)(A); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(7)(B) and twice in (e).

SUBCHAPTER 14 — WORKERS’ COMPENSATION

SECTION.

6-17-1402. Workers’ Compensation Commission — Authority and jurisdiction.

6-17-1403. Financing coverage.

SECTION.

6-17-1405. Notification of award — Transfer of available federal funds.

6-17-1413. Carriers.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-1402. Workers' Compensation Commission — Authority and jurisdiction.

(a) The Workers' Compensation Commission is authorized to adopt rules and to prescribe forms it deems necessary or desirable to properly carry out the purpose and intent of this subchapter.

(b) The commission shall have exclusive jurisdiction of all claims filed by or in behalf of school district employees pursuant to the provisions of this subchapter for workers' compensation benefits.

(c) The method and procedure of filing claims and the determination of awards pursuant to such claims shall be the same as provided by law and rules of the commission with respect to claims filed by employees of private employers.

(d) However, the action taken by the commission with respect to the allowance or disallowance of any claim filed pursuant to the provisions of this subchapter shall be final and binding upon all parties and shall not be subject to judicial review.

History. Acts 1971, No. 223, §§ 2, 6; A.S.A. 1947, §§ 80-1238, 80-1242; Acts 2019, No. 315, §§ 234, 235.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (a) and (c).

6-17-1403. Financing coverage.

(a) The General Assembly shall appropriate funds as necessary to cover an award made to a school district employee under this subchapter for claims that arose before July 1, 1994.

(b) All funds so appropriated by the General Assembly shall be deposited into the Workers' Compensation Revolving Fund, and all awards made under this subchapter shall be paid from the Workers' Compensation Revolving Fund by the Public Employee Claims Division of the State Insurance Department.

(c) Annually on July 1, the division shall certify to the Chief Fiscal Officer of the State the amounts of all awards made and paid during the preceding year to or on behalf of public school employees, and the Chief Fiscal Officer of the State shall cause to be transferred to the Workers' Compensation Revolving Fund from the Public School Fund the amount as was certified to him or her as having been paid on behalf of public school employees.

(d) The Commissioner of Elementary and Secondary Education shall also cause to be transferred to the Workers' Compensation Revolving Fund from the Public School Fund such amounts as may be certified to

the commissioner by the division as the cost of administering this subchapter for public school employees.

History. Acts 1971, No. 223, § 3; A.S.A. 1947, § 80-1239; Acts 2015, No. 231, § 1; 2021, No. 544, § 29. substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (d).

Amendments. The 2021 amendment

6-17-1405. Notification of award — Transfer of available federal funds.

(a) Upon making any award to or in behalf of an employee of any school district, the Workers' Compensation Commission shall notify the appropriate officer of the school district and shall notify the Division of Elementary and Secondary Education.

(b) If the salary or compensation of the employee in whose behalf the award was made is paid wholly or partly from federal funds, the division is authorized to transfer funds from the federal funds available for the program under which such employee was paid to the Public School Fund to reimburse the Public School Fund for funds transferred to the Workers' Compensation Revolving Fund as provided for in this subchapter.

History. Acts 1971, No. 223, § 5; A.S.A. 1947, § 80-1241; Acts 2019, No. 910, § 1474. substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a); and substituted "division" for "department" in (b).

Amendments. The 2019 amendment

6-17-1413. Carriers.

(a) School districts may provide workers' compensation coverage either through private carriers, municipal self-funding groups, or one (1) or more self-funding groups.

(b) Self-funding groups established for this purpose shall meet the following requirements:

(1) Any such group established to provide such coverage only to school districts shall offer coverage to any school district in the state that applies for such coverage;

(2)(A) Any group established to provide workers' compensation coverage to school districts shall offer such coverage at rates established by the NCCI Holdings, Inc. and approved by the State Insurance Department.

(B) Premiums for school districts participating in any such group shall be revised annually based on the loss experience of the particular school district or group of school districts; and

(3)(A)(i)(a) Any self-funding group of participating school districts shall be subject to the rules of the Workers' Compensation Commission applicable to self-insured groups or providers.

(b) However, school districts shall not be required to enter into an indemnity agreement binding them jointly and severally.

(ii) Each board governing a self-funded group shall be permitted to declare dividends or give credits against renewal premiums based on annual loss experience.

(iii) All self-funded groups shall obtain excess reinsurance from an admitted or approved insurance company doing business in Arkansas.

(B) However, in lieu of the reinsurance requirements in subdivision (b)(3)(A)(iii) of this section, any self-funded group under this section with one million five hundred thousand dollars (\$1,500,000) or more in annually collected premiums may provide excess reserves of twenty percent (20%) of annual premiums by any one (1) of the following ways:

- (i) Cash or certificates of deposit in Arkansas banks; or
- (ii) Letters of credit from an Arkansas bank.

History. Acts 1993, No. 862, § 3; 2019, substituted "rules" for "regulations" in No. 315, § 236.

(b)(3)(A)(i)(a).

Amendments. The 2019 amendment

SUBCHAPTER 15 — THE TEACHER FAIR DISMISSAL ACT OF 1983

SECTION.

6-17-1507. Notice of termination recommendation.

SECTION.

6-17-1508. Suspension.

6-17-1507. Notice of termination recommendation.

(a) A teacher may be terminated only during the term of any contract when there is a reduction in force created by districtwide reduction in licensed staff or for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause.

(b) The school district superintendent:

- (1) Shall notify the teacher of the termination recommendation; and
- (2)(A) May notify a school resource officer assigned to the school campus on which the teacher is employed of the termination recommendation.

(B)(i) A school district superintendent shall not disclose any additional details regarding a recommendation for the termination of a teacher to a school resource officer assigned to the school campus on which the teacher is employed unless the school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:

- (a) Campus security; and
- (b) Student safety.

(ii) Additional details regarding a recommendation for the termination of the teacher include without limitation:

(a) The underlying reasons for a recommendation for the termination of the teacher;

(b) The identity of other individuals involved in a recommendation for the termination of the teacher, including without limitation other teachers, students, administrators employed at or attending the school campus where the teacher is employed, and the parents or legal guardians of students attending the school campus where the teacher is employed; and

(c) Further disciplinary actions taken against a teacher in addition to the termination recommendation.

(C) If a school district superintendent determines that disclosure of additional details regarding a recommendation for the termination of the teacher is necessary under subdivision (b)(2)(B) of this section, the school district superintendent shall limit the disclosure of the additional details to the minimum amount of information that he or she believes is necessary for the school resource officer assigned to the school campus on which the teacher is employed to ensure campus security and student safety.

(c)(1) The notice shall include a statement of the grounds for the recommendation of termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) The notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file.

History. Acts 1983, No. 936, § 5; A.S.A. 1947, § 80-1266.4; Acts 1999, No. 852, § 2; 2001, No. 1739, § 2; 2011, No. 989, § 56; 2021, No. 964, § 1.

Amendments. The 2021 amendment

added (b)(2), and redesignated part of former (b) as (b)(1); and inserted "school district" in the introductory language of (b).

6-17-1508. Suspension.

(a) Whenever a superintendent has reason to believe that cause exists for the termination of a teacher and that immediate suspension of the teacher is necessary, the superintendent may suspend the teacher without notice or a hearing.

(b) The school district superintendent:

(1) Shall notify the teacher of the suspension in writing within two (2) school days of the suspension; and

(2)(A) May notify a school resource officer assigned to the school campus on which the teacher is employed of the teacher's suspension.

(B)(i) A school district superintendent shall not disclose any additional details regarding a suspension of the teacher to a school resource officer assigned to the school campus on which the teacher is employed unless the school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:

- (a) Campus security; and
- (b) Student safety.

(ii) Additional details regarding the suspension of the teacher include without limitation:

(a) The underlying reasons for the suspension of the teacher;

(b) The identity of other individuals involved in the suspension of the teacher, including without limitation other teachers, students, administrators employed at or attending the school campus where the teacher is employed, and the parents or legal guardians of students attending the school campus where the teacher is employed; and

(c) Further disciplinary actions taken against a teacher in addition to the suspension, unless the further disciplinary actions include a recommendation for the termination of the teacher.

(C) If a school district superintendent determines that disclosure of additional details regarding the suspension of a teacher is necessary under subdivision (b)(2)(B) of this section, the school district superintendent shall limit the disclosure of the additional details to the minimum amount of information that he or she believes is necessary for the school resource officer assigned to the school campus on which the teacher is employed to ensure campus security and student safety.

(c)(1) The written notice shall include a statement of the grounds for suspension or recommended termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) The written notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file and shall state that a hearing before the board of directors is available to the teacher upon request provided that the request is made in writing within the time provided in § 6-17-1509.

(d) The hearing shall be scheduled by the president, vice president, or secretary of the board of directors of a school district and the teacher and shall be held within the time and manner provided in § 6-17-1509 after a request for the hearing is received by the board of directors.

(e) If sufficient grounds for termination or suspension are found, the board of directors may terminate the teacher or continue the suspension for a definite period of time.

(f) The salary of a suspended teacher shall cease as of the date the board of directors sustains the suspension.

(g) If sufficient grounds for termination or suspension are not found, the teacher shall be reinstated without loss of compensation.

History. Acts 1983, No. 936, § 6; A.S.A. 1947, § 80-1266.5; Acts 1999, No. 852, § 3; 2021, No. 964, § 2.

Amendments. The 2021 amendment added (b)(2), and redesignated part of for-

mer (b) as (b)(1); inserted "school district" in the introductory language of (b); and inserted "of the suspension" following "teacher" in (b)(1).

SUBCHAPTER 16 — MASTER SCHOOL PRINCIPAL PROGRAM

SECTION.

6-17-1602. Master School Principal Program.

6-17-1603. Yearly incentive bonus.

SECTION.

6-17-1604. High-need school salary bonus and hold-back longevity bonus.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-1602. Master School Principal Program.

(a) There is created the Master School Principal Program to provide training programs and opportunities to expand the knowledge base and leadership skills of public school principals.

(b) The program shall be administered by the Arkansas Leadership Academy.

(c) The program shall consist of a process of no fewer than three (3) phases developed by the academy and approved by the State Board of Education, including:

(1) "Phase one", which shall expand the knowledge base and leadership skills of the principal;

(2) "Phase two", which shall require the principal to apply strategies and to collect evidence of improvement in student learning and school processes; and

(3) "Phase three", which shall require the principal to publicly demonstrate the ability and skills that lead to sustained academic improvement in a school and a school district.

(d) A school principal successfully completing the program shall be designated as a master school principal by the academy.

(e)(1) The Division of Elementary and Secondary Education and the academy shall:

(A) Develop criteria for selection of candidates for the process;

(B) Review and modify, as deemed appropriate, the program performance areas; and

(C)(i) Develop a rigorous assessment process based on the performance areas.

(ii) The assessment shall include, but shall not be limited to, demonstrable, performance-based evidence of the performance areas.

(2) The number of school principals participating each year may be determined by the amount of funding available for the program.

History. Acts 2003 (2nd Ex. Sess.), No. 44, § 2; 2019, No. 910, § 1475.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in the introductory language of (e)(1).

6-17-1603. Yearly incentive bonus.

(a) The Division of Elementary and Secondary Education shall promulgate rules for the nine-thousand-dollar yearly incentive bonus provided under this section for principals receiving master school principal status.

(b) The division shall pay a yearly incentive bonus of nine thousand dollars (\$9,000) for every school year for no more than five (5) years to any building-level principal who:

(1) Receives a master school principal designation from the Arkansas Leadership Academy; and

(2) At the time of receiving the bonus, is employed full time as a building-level principal in an Arkansas public school district.

History. Acts 2003 (2nd Ex. Sess.), No. 44, § 3; 2019, No. 315, § 237; 2019, No. 910, § 1476.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (a).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a); and substituted "division" for "department" in the introductory language of (b).

6-17-1604. High-need school salary bonus and hold-back longevity bonus.

(a) The State Board of Education shall promulgate rules for an additional high-need school salary bonus, including a hold-back longevity bonus, for each principal receiving master school principal status and serving as a principal of a high-need public school.

(b)(1) The Division of Elementary and Secondary Education shall pay a high-need school salary bonus of twenty-five thousand dollars (\$25,000) for every school year for no more than five (5) years to any building-level principal who:

(A) Receives a master school principal designation from the Arkansas Leadership Academy; and

(B) At the time of receiving the bonus of twenty-five thousand dollars (\$25,000), is employed full time as a building-level principal in a high-need public school.

(2) The high-need school salary bonus under subdivision (b)(1) of this section shall be paid as follows:

(A) Twenty thousand dollars (\$20,000) for each school year a master principal is employed in a high-need public school; and

(B) An additional five thousand dollars (\$5,000) to be set aside for each qualifying school year to be paid as follows:

(i) A hold-back longevity bonus of fifteen thousand dollars (\$15,000) at the end of three (3) consecutive school years as a master school principal in the same school; and

(ii) A hold-back longevity bonus of ten thousand dollars (\$10,000) at the end of five (5) consecutive school years as a master school principal in the same school.

(3) The high-need school salary bonus with the hold-back longevity bonus payable under this section shall be paid in addition to the five-year incentive bonus allowed under § 6-17-1603, if the master principal is within the time frame for eligibility for the five-year incentive bonus.

(c) Regardless of a person's past participation in the Master School Principal Program, a person shall not receive a yearly incentive bonus, a salary bonus, or a longevity bonus if the person leaves full-time employment as a principal of an Arkansas public school district.

History. Acts 2003 (2nd Ex. Sess.), No. 44, § 4; 2013, No. 459, § 2; 2019, No. 315, § 238; 2019, No. 910, § 1477.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (a).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (b)(1).

SUBCHAPTER 17 — PUBLIC SCHOOL EMPLOYEE FAIR HEARING ACT

SECTION.

6-17-1702. Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-1702. Definitions.

As used in this subchapter:

(1) "Employee" means any person employed by a school district under a written annual contract who is not required to have an educator license issued by the Division of Elementary and Secondary Education as a condition of employment;

(2) “Full-time employee” means any employee who is contracted to work at least twenty (20) hours per week; and

(3)(A) “Probationary employee” means an employee who has not completed one (1) year of employment in the school district in which he or she is employed.

(B) Provided that at least thirty (30) days before the completion of an employee’s probationary period, the superintendent of schools may recommend and the board of directors may vote that one (1) additional year of probation is necessary for an employee.

History. Acts 1991, No. 631, § 2; 2013, No. 1073, § 27; 2013, No. 1138, § 40; 2019, No. 910, § 1478.

Amendments. The 2019 amendment

substituted “Division of Elementary and Secondary Education” for “Department of Education” in (1).

SUBCHAPTER 19 — MINORITY RECRUITMENT

SECTION.	SECTION.
6-17-1901. Teacher and administrator recruitment and retention plan.	6-17-1903. Department of Education — Minority Teacher and Administrator Preparation and Recruitment Strategic Plan.
6-17-1902. Equity Assistance Center — Coordination and contents of plan.	

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-1901. Teacher and administrator recruitment and retention plan.

(a) By August 1, 2022, each public school district and open-enrollment public charter school in the state shall prepare a three-year teacher and administrator recruitment and retention plan.

(b) The plan shall set forth goals for:

(1) The recruitment and retention of teachers and administrators of minority races and ethnicities who increase diversity among the district staff and, at a minimum, reflect the racial and ethnic diversity of the district’s students; and

(2) Increasing the number of students who pursue careers in education with an emphasis on students of minority races and ethnicities.

(c) A school district shall review annually the:

(1) Recruitment and retention plan; and

(2) Progress of the school district in meeting the goals established pursuant to subsection (b) of this section.

(d) The plan shall be:

(1) Updated annually; and

(2) Posted on the school district's or open-enrollment public charter school's website no later than August 1 of each year.

History. Acts 1991, No. 1164, § 1; Education" following "Equity Assistance 2019, No. 910, § 1479; 2021, No. 646, § 1. Center of the" in (d).

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of The 2021 amendment rewrote the section.

6-17-1902. Equity Assistance Center — Coordination and contents of plan.

(a) The Equity Assistance Center shall provide technical assistance, guidance, and support to public school districts and public open-enrollment charter schools in developing recruitment and retention plans and setting and meeting annual goals.

(b)(1) Each public school district and open-enrollment public charter school shall designate an employee to coordinate the implementation and review of the public school district's and open-enrollment public charter school's recruitment and retention plan.

(2) The designated equity assistance coordinator in each public school district and open-enrollment public charter school may serve as the coordinator of the public school district's and open-enrollment public charter school's recruitment and retention plan.

(c) The teacher and administrator recruitment and retention plan shall include, but not be limited to, the following information:

(1) The annual goals of the public school district or open-enrollment public charter school established pursuant to § 6-17-1901(b);

(2) The actions and steps the public school district or open-enrollment public charter school has taken and will take to meet each of the public school district's and open-enrollment public charter school's goals;

(3) The progress of the public school district or open-enrollment public charter school in meeting each of the public school district's and open-enrollment public charter school's goals;

(4) The evaluative methods the public school district or open-enrollment public charter school will use to measure progress towards meeting the public school district's or open-enrollment public charter school's goals;

(5) If the public school district or open-enrollment public charter school did not meet the public school district's or open-enrollment public charter school's goals for the previous reporting period, the

public school district or open-enrollment public charter school shall state the reasons for not meeting the goals and the steps the public school district or open-enrollment public charter school will take to overcome the reasons for not meeting the goals;

(6) The steps the public school district or open-enrollment public charter school will take to encourage students to pursue a career in education, including steps specific to students of minority races and ethnicities;

(7) Public school district or open-enrollment public charter school teacher and administrator recruitment and retention data to show the:

(A) Racial and ethnic composition of teachers and administrators employed by the public school district or open-enrollment public charter school for each of the previous three (3) years; and

(B) Effectiveness of the plan; and

(8) The racial and ethnic composition of the student body and the racial and ethnic composition of the residents of the public school district or open-enrollment public charter school.

(d) The State Board of Education may promulgate rules necessary for implementation of this subchapter.

History. Acts 1991, No. 1164, § 1; Education" following "Equity Assistance Center of the" in (a).
2019, No. 910, § 1480; 2021, No. 646, § 2.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of The 2021 amendment rewrote the section.

6-17-1903. Department of Education — Minority Teacher and Administrator Preparation and Recruitment Strategic Plan.

(a)(1) The Department of Education shall set goals for increasing the number of teachers and administrators of minority races and ethnicities in this state.

(2)(A) The Division of Higher Education shall collaborate with the State Board of Education, local universities, colleges, public school districts, and open-enrollment public charter schools to develop a strategic plan for increasing the number of teachers and administrators of minority races and ethnicities in this state.

(B) The Minority Teacher and Administrator Preparation and Recruitment Strategic Plan shall include without limitation recommendations to institutions with educator preparation programs on ways to:

(i) Identify methods for increasing the percentage of teachers and administrators of minority races and ethnicities in proportion to the number of students of minority races and ethnicities in this state; and

(ii) Establish programs to identify and recruit individuals of minority races and ethnicities who have already earned college degrees in other job fields to become teachers and administrators.

(b) The division shall:

(1) Promote educator preparation programs that increase the percentage of individuals of minority races and ethnicities who enter and successfully complete a four-year educator preparatory program and provide support to students of minority races and ethnicities who meet the requirements for entering educator preparation programs; and

(2) Submit a report no later than July 1, 2022, and every two (2) years following to the House Committee on Education and the Senate Committee on Education.

History. Acts 2021, No. 646, § 3.

Publisher's Notes. Former § 6-17-1903, concerning the creation of the Minority Teacher Recruitment Advisory

Council, was repealed by Acts 2009, No. 1484, § 1. The section was derived from Acts 1991, No. 1164, § 2.

SUBCHAPTER 22 — CLASSIFIED SCHOOL EMPLOYEE MINIMUM SALARY ACT

SECTION.

6-17-2202. Definitions.

6-17-2204. Rules.

6-17-2205. Paid breaks for certain classified employees.

SECTION.

6-17-2206. Highly qualified paraprofessional bonuses.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-2202. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1)(A) "Classified employee" means any employee of a public school district in Arkansas who performs work for the school district and who is not required to hold a valid teaching license issued by the State Board of Education as a condition of employment.

(B) "Classified employee" does not include a nonlicensed teacher; and

(2) "Full-time classified employee" means any classified employee who works twenty (20) or more hours per week for the public school district.

History. Acts 2001, No. 1138, § 1; redesignated former (1) as (1)(A); and 2021, No. 774, § 5. added (1)(B).

Amendments. The 2021 amendment

6-17-2204. Rules.

The State Board of Education is authorized to promulgate rules to establish a method of determining whether a classified employee shall be considered to work twenty (20) or more hours per week.

History. Acts 2001, No. 1138, § 1; “Rules” in the section heading; and deleted 2019, No. 315, § 239. deleted “and regulations” following “rules”

Amendments. The 2019 amendment in the section.
deleted “and regulations” following

6-17-2205. Paid breaks for certain classified employees.

For those classified employees working more than twenty (20) hours per week:

(1)(A) Each school district in the state shall provide no fewer than two (2) paid fifteen-minute breaks during each regular workday for each classified school employee.

(B) The contract day shall not be extended to provide for this section; and

(2) Each school district shall file an affidavit for compliance with the Division of Elementary and Secondary Education regarding the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., for classified employees unless the school district policies or state laws impose higher standards.

History. Acts 2003, No. 1752, § 1; substituted “Division of Elementary and 2019, No. 910, § 1481. Secondary Education” for “Department of

Amendments. The 2019 amendment Education” in (2).

6-17-2206. Highly qualified paraprofessional bonuses.

(a)(1) The purpose of this section is to provide a bonus from the Division of Elementary and Secondary Education in recognition of the efforts made by paraprofessional employees who attain highly qualified status.

(2) A person who is eligible for a bonus under this section may receive a bonus under subsection (b) or subsection (c) of this section but shall not receive a bonus under both subsection (b) and subsection (c) of this section.

(3) The bonuses under this section are contingent upon the appropriation and availability of funding.

(b) A paraprofessional who is under a contract of employment with a public school district or education service cooperative as a paraprofessional employee on May 1, 2007, and who holds an associate degree or higher degree shall be considered a highly qualified paraprofessional and shall receive a one-time bonus of one thousand dollars (\$1,000).

(c) A paraprofessional who is under a contract of employment with a public school district or education service cooperative as a paraprofessional employee on May 1, 2007, shall be considered a highly qualified paraprofessional and shall receive a one-time bonus of five hundred dollars (\$500) if he or she has:

- (1) Completed sixty (60) hours of coursework at an institution of higher education; or
- (2) Passed the high-stakes test for highly qualified status.

History. Acts 2007, No. 1197, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(1).
2019, No. 910, § 1482.

Amendments. The 2019 amendment

SUBCHAPTER 23 — PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES

SECTION.

6-17-2301. Requirement.

6-17-2302. Applicability — Definitions.

SECTION.

6-17-2304. Incorporation into employee contracts.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-2301. Requirement.

(a) Each school district in the State of Arkansas shall have a set of written personnel policies, including the salary schedule for classified employees.

(b) For the purposes of this subchapter, there shall be five (5) classifications of classified employees as provided in § 6-17-2303.

(c) Personnel policies of concern to the classified personnel policies committee shall include, but are not limited to, the following terms and conditions of employment:

- (1) Salary schedule, fringe benefits, and other compensation issues;
- (2) Annual school calendar, including work days and holidays;
- (3) Evaluation procedures;
- (4) Leave;
- (5) Grievance procedures;
- (6) Termination, nonrenewal, or suspension;
- (7) Reduction in force; and

(8) Assignments.

(d)(1)(A) A school district shall not receive in any year any additional state funding from the Public School Fund until the school district has posted on the school district's website, in accordance with § 6-11-129, its current personnel policies for classified employees, including any salary schedules as required by this subchapter.

(B) The school district shall maintain in a central records location a written copy of the policies signed by the president of the school district's board of directors.

(2) By September 15 of each year, a school district shall provide the Division of Elementary and Secondary Education with the website address at which its current personnel policies for classified employees, including the salary schedule, may be found.

(e) The division shall notify any school district that has not posted its policies on the school district website or provided the division with the website address in accordance with this section.

History. Acts 2003, No. 1780, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d)(2); and substituted "division" for "department" twice in (e).
2005, No. 951, § 1; 2011, No. 989, § 58;
2013, No. 1073, § 28; 2019, No. 910,
§§ 1483, 1484.

Amendments. The 2019 amendment

6-17-2302. Applicability — Definitions.

(a) The provisions of this subchapter shall not apply if the school district chooses to officially recognize in its policies an organization representing the majority of the nonmanagement classified employees of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement.

(b) As used in this section:

(1) "Classified employee" means any person employed by a school district under a written annual contract who is not required to have a teaching license issued by the Division of Elementary and Secondary Education as a condition of employment;

(2) "Classified employee administrator" means any classified or licensed employee who evaluates nonmanagement classified employees and any classified employee who supervises but does not evaluate other classified employees if the nonmanagement classified employees exclude them; and

(3) "Nonmanagement classified employee" means any classified employee who does not evaluate other classified employees. The nonmanagement classified employees in a school district, at their discretion in an election conducted in accordance with § 6-17-2303(c), include in this definition classified employees who supervise but do not evaluate other classified employees.

History. Acts 2003, No. 1780, § 2; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b)(1).
 2005, No. 951, § 1; 2011, No. 989, § 59;
 2019, No. 910, § 1485.

Amendments. The 2019 amendment

6-17-2304. Incorporation into employee contracts.

(a) The personnel policies of each school district shall be considered to be incorporated as terms of the classified employees' contracts and shall be binding upon the classified employees and the school district.

(b)(1) Any change or addition to the classified personnel policies shall not be considered a part of classified employee contracts until the next fiscal year.

(2)(A) Any change or addition to the classified personnel policies may take effect before the next fiscal year only if the change or addition is approved by a majority of the classified employees employed by the school district voting by secret ballot.

(B) The voting and counting of ballots shall be conducted by the classified personnel policy committee.

(3) Any change or addition to the classified personnel policies or new personnel policies shall be made in accordance with this subchapter.

(c) Notwithstanding subsection (b) of this section, a change or addition to the classified personnel policies that is necessary to ensure compliance with state rule or federal regulation, a state law enacted during a legislative session, or a federal law that is adopted by the board of directors of a school district each year by the later of June 30 or ninety (90) days after the effective date of the state rule or federal regulation, a state law enacted during a legislative session, or a federal law giving rise to the specific policy change or addition shall be considered a part of the classified personnel contracts on July 1 of the same calendar year or upon the date of adoption if adopted after June 30.

History. Acts 2003, No. 1780, § 4; **Amendments.** The 2019 amendment
 2005, No. 951, § 1; 2015, No. 835, § 2; inserted "rule" twice in (c).
 2019, No. 315, § 240.

SUBCHAPTER 24 — TEACHER COMPENSATION PROGRAM OF 2003

SECTION.

6-17-2402. Definitions.

6-17-2403. Minimum teacher compensation schedule — Definition.

SECTION.

6-17-2406. Applicability of teacher salary schedule — Low-income school status — Definition.

Effective Dates. Acts 2019, No. 170, § 3: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there exists a shortage of licensed

teachers in many areas of the state; that teacher salaries are a key factor in attracting individuals to the field of teaching; and that the provisions of this act should become effective at the beginning

of the fiscal year to allow for implementation for the 2019-2020 school year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections

of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-2402. Definitions.

As used in this subchapter:

(1)(A) “Basic contract” means a teacher employment contract for one hundred ninety (190) days that includes no less than six (6) days of professional development, except as provided under subdivision (1)(B) of this section for teachers employed in a Civilian Student Training Program or the Arkansas National Guard Youth Challenge Program.

(B)(i) For the purpose of a teacher employed in the Civilian Student Training Program or the Arkansas National Guard Youth Challenge Program, a basic contract for a teacher means:

(a) Full-time employment for one hundred ninety (190) days that includes no less than six (6) days of professional development; and

(b) All additional days in excess of one hundred ninety (190) days paid at the daily rate under § 6-17-2403 that are required for full-time annual employment and subject to the policies and guidelines of the Arkansas National Guard.

(ii) A basic contract for a teacher employed in the Arkansas National Guard Youth Challenge Program shall include a yearly accrual of two (2) days of annual leave and nine (9) days of sick leave;

(2) “Master’s degree” means a graduate degree awarded for successful completion of a program at the master’s level or higher related to:

(A) Education;

(B) Guidance counseling; or

(C) A teacher’s teaching content area; and

(3) “Teacher” means:

(A) An individual who is required to hold a teaching license from the Division of Elementary and Secondary Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time;

(B) A guidance counselor; or

(C) A librarian.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2003 (2nd Ex. Sess.), No. 74, § 1; 2011, No. 1178, § 3; 2015, No. 44, § 1; 2015, No. 1177, § 1; 2019, No. 910, § 1486; 2021, No. 75, § 1.

Amendments. The 2019 amendment

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (3)(A).

The 2021 amendment redesignated former (1)(B) as (1)(B)(i); added (1)(B)(ii); and made stylistic changes.

6-17-2403. Minimum teacher compensation schedule — Definition.

(a)(1) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

(A) Annual increments for education and experience;

(B) A base salary; and

(C) A minimum salary for a teacher with a master's degree and at least fifteen (15) years' experience.

(2)(A) A school district may differentiate in the salary levels of the minimum teacher compensation schedule to provide increased salaries based on a tiered licensure system established by the State Board of Education under § 6-17-402.

(B) The differentiated salary schedule shall not provide for a salary that is below the minimum set out in this section.

(b) Each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation for a basic contract:

(1) For the 2019-2020 school year:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$32,800	\$37,450
1	33,250	37,950
2	33,700	38,450
3	34,150	38,950
4	34,600	39,450
5	35,050	39,950
6	35,500	40,450
7	35,950	40,950
8	36,400	41,450
9	36,850	41,950
10	37,300	42,450
11	37,750	42,950
12	38,200	43,450
13	38,650	43,950
14	39,100	44,450
15	39,550	44,950;

(2) For the 2020-2021 school year:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$33,800	\$38,450
1	34,250	38,950
2	34,700	39,450
3	35,150	39,950
4	35,600	40,450
5	36,050	40,950
6	36,500	41,450
7	36,950	41,950
8	37,400	42,450
9	37,850	42,950
10	38,300	43,450
11	38,750	43,950
12	39,200	44,450
13	39,650	44,950
14	40,100	45,450
15	40,550	45,950;

(3) For the 2021-2022 school year:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$34,900	\$39,550
1	35,350	40,050
2	35,800	40,550
3	36,250	41,050
4	36,700	41,550
5	37,150	42,050
6	37,600	42,550
7	38,050	43,050
8	38,500	43,550
9	38,950	44,050
10	39,400	44,550
11	39,850	45,050
12	40,300	45,550
13	40,750	46,050
14	41,200	46,550
15	41,650	47,050; and

(4) For the 2022-2023 school year and each school year thereafter:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$36,000	\$40,650
1	36,450	41,150
2	36,900	41,650
3	37,350	42,150
4	37,800	42,650
5	38,250	43,150
6	38,700	43,650
7	39,150	44,150
8	39,600	44,650
9	40,050	45,150
10	40,500	45,650
11	40,950	46,150
12	41,400	46,650
13	41,850	47,150
14	42,300	47,650
15	42,750	48,150.

(c)(1) For purposes of the salary schedules described in this section, the teacher’s experience is his or her total years’ experience as a teacher with a valid Arkansas teaching license and teaching at any:

(A) Public school accredited by the Division of Elementary and Secondary Education or a nationally recognized accrediting association;

(B) Private school within the State of Arkansas accredited by a nationally recognized accrediting association;

(C) Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or

(D) Any facility operated by the Division of Youth Services or any facility contracting with the Division of Youth Services to provide care for juveniles committed to the Division of Youth Services.

(2) A teacher’s years of experience shall be based upon:

(A) The years in the school district in which the teacher is employed when the salary schedule in this section is considered; and

(B) The teacher’s years of experience with a valid Arkansas teaching license at an institution in subdivision (c)(1) of this section.

(3) For purposes of this section, “years of service” means:

(A) Performing the full-time duties of a teacher for a full school year with a valid Arkansas teaching license;

(B) Years of employment with an Arkansas public school in a full-time position that requires that the teacher have an Arkansas teaching license; or

(C) Years of employment in an educational capacity with an institution in subdivision (c)(1)(C) of this section with a valid Arkansas teaching license.

(d)(1) The minimum teacher compensation schedule under subsection (b) of this section does not apply to a part-time teacher or part-time paraprofessional employed by a school district to work in an adult education program.

(2) The minimum teacher compensation schedule for a part-time teacher or part-time paraprofessional employed by a school district to work in an adult education program shall be established by the Adult Education Section and approved by the Director of the Division of Workforce Services.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2003 (2nd Ex. Sess.), No. 74, § 2; 2005, No. 2130, § 1; 2005, No. 2307, § 1; 2006 (1st Ex. Sess.), No. 19, § 2; 2007, No. 272, § 7; 2007, No. 833, § 1; 2007, No. 1410, § 1; 2013, No. 1138, § 41; 2015, No. 1087, §§ 1, 2; 2017, No. 246, § 1; 2017, No. 294, § 5; 2019, No. 170, § 2; 2019, No. 910, §§ 1487, 1488.

Amendments. The 2019 amendment by No. 170 rewrote (b).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c)(1)(A); and, in (d)(2), substituted "Division of Workforce Services" for "Department of Career Education" following "Adult Education Section of the" and substituted "Director of the Division of Workforce Services" for "Career Education and Workforce Development Board".

6-17-2406. Applicability of teacher salary schedule — Low-income school status — Definition.

(a) As used in this section, "teacher" means a full-time employee of the C-Step Program or the Arkansas National Guard Youth Challenge Program, or both:

(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12); and

(2) Who is:

(A) Engaged directly in instruction with students in a classroom setting, including the administration and preparation requirements for instruction, for more than seventy percent (70%) of the contracted time;

(B) A guidance counselor; or

(C) A librarian or media specialist.

(b)(1) To the extent that funds are specifically appropriated by the General Assembly, a teacher employed by the Civilian Student Training Program or the Arkansas National Guard Youth Challenge Program, or both, shall be paid no less than the minimum amounts under § 6-17-2403.

(2) The budget of the Arkansas National Guard shall include the calculation of teacher salaries for teachers in the Civilian Student Training Program and the Arkansas National Guard Youth Challenge Program based on § 6-17-2403.

(c) The Civilian Student Training Program or the Arkansas National Guard Youth Challenge Program may be designated by the Division of Elementary and Secondary Education as a low-income school, and receive the benefits of such designation if the Civilian Student Training Program or the Arkansas National Guard Youth Challenge Program meets the low-income school criteria.

(d) This section does not require a school district to pay the salary of a teacher who is not an employee of the school district or require that teachers be paid from any state funds other than as appropriated by the General Assembly.

History. Acts 2005, No. 1777, § 1; substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c).
2015, No. 1177, § 2; 2019, No. 910, § 1489.

Amendments. The 2019 amendment

SUBCHAPTER 25 — ARKANSAS TEACHER OF THE YEAR ACT

SECTION.

6-17-2502. Definitions.
6-17-2503. Arkansas Teacher of the Year Program.

SECTION.

6-17-2505. Division of Elementary and Secondary Education responsibility.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-2502. Definitions.

As used in this subchapter:

- (1) "In residence" means working exclusively with the Division of Elementary and Secondary Education at a location agreed upon between the division and the Arkansas Teacher of the Year;
- (2) "School district board of directors" means the local board of directors of a school district who are duly elected and qualified to hold office;
- (3) "Superintendent" means the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (½) of the time in the school day; and
- (4) "Teacher" means a person who:

(A) Holds a license under § 6-17-401 et seq.; and

(B) Is engaged in student contact for more than seventy percent (70%) of the person's contracted time.

History. Acts 2006 (1st Ex. Sess.), No. 17, § 1; 2013, No. 1155, § 15; 2019, No. 251, § 1; 2019, No. 910, § 1490.

Amendments. The 2019 amendment by No. 251, in the introductory language of (1) [now (4), substituted "Teacher" for "Classroom teacher"; substituted "Holds a license" for "Is required to be licensed" in (1)(A) [now (4)(A)]; substituted "in student

contact" for "directly in instruction with students in a classroom setting" in (1)(B) [now (4)(B)]; and deleted (1)(C).

The 2019 amendment by No. 910, in (2) [now (1)], substituted "Division of Elementary and Secondary Education" for "Department of Education" and "division" for "department".

6-17-2503. Arkansas Teacher of the Year Program.

(a)(1) The Division of Elementary and Secondary Education shall develop a process for selecting the Arkansas Teacher of the Year.

(2) This process shall work in conjunction with and in support of the process for selecting a National Teacher of the Year.

(b) The process shall allow that each Arkansas school district board of directors may submit a single applicant for the Arkansas Teacher of the Year.

(c) The applicants shall be reduced to sixteen (16) finalists representing one (1) applicant for each of the fifteen (15) education service areas and one (1) applicant for school districts in Pulaski County.

(d) In submitting an application for Arkansas Teacher of the Year, a school district agrees that if its applicant is selected, the school district shall place that teacher on paid administrative leave for the school year immediately following his or her selection, as provided in § 6-17-2504.

(e) While on paid administrative leave, the teacher shall:

(1) Work in residence with the division to:

(A) Create professional development programs for other teachers;

(B) Provide educational technical assistance to students and teachers statewide;

(C) Enhance the Arkansas Teacher of the Year Program; and

(D) Enhance the quality of elementary and secondary education in Arkansas; and

(2) Represent the state in the National Teacher of the Year competition.

(f) During the school year in which a school district's Arkansas Teacher of the Year is on paid administrative leave, the division shall reimburse the school district as provided in § 6-17-2505.

History. Acts 2006 (1st Ex. Sess.), No. 17, § 1; 2019, No. 910, §§ 1491-1493.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1); and substituted "division" for "department" in the introductory language of (e)(1) and in (f).

6-17-2505. Division of Elementary and Secondary Education responsibility.

(a) During the school year in which a school district's Arkansas Teacher of the Year is on paid administrative leave, the Division of Elementary and Secondary Education shall reimburse the school district for:

(1) The teacher's salary and benefits; and

(2)(A) Incidental expenses incurred by the teacher as a result of his or her participation in the Arkansas Teacher of the Year Program.

(B) All incidental expenses shall be approved by the division.

(b) The division shall be responsible for the reimbursement of any incidental expenses incurred by the teacher during the implementation of the program for the current year.

(c) The division may receive private donations, grants, or other forms of assistance to help fund any aspect of the program.

(d) The State Board of Education may promulgate rules to administer this section.

History. Acts 2006 (1st Ex. Sess.), No. 17, § 1; 2019, No. 251, § 2; 2019, No. 910, § 1494.

Amendments. The 2019 amendment by No. 251, in (d), substituted "may" for "shall", and "to administer this" for "as necessary to administer the provisions of this".

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in the section heading and in the introductory language of (a); and substituted "division" for "department" in (a)(2)(B), (b), and (c).

SUBCHAPTER 26 — LIFETIME TEACHING LICENSE

SECTION.

6-17-2602. Definitions.

6-17-2604. Lifetime teaching license.

SECTION.

6-17-2606. Rules — Reports.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-2602. Definitions.

As used in this subchapter:

(1) "Educational setting" means the employment setting where the licensed employee works, including without limitation:

- (A) A public or private school;
- (B) An institution of higher education;
- (C) An education service cooperative;
- (D) The Division of Elementary and Secondary Education;
- (E) An adult education setting; or
- (F) Another agency or organization that employs licensed teachers for educational purposes;

(2) "Professional development" has the same meaning as the meaning given to the term under § 6-17-704; and

(3) "Teaching experience" means the experience gained while working in an educational setting as a teacher, librarian, counselor, administrator, educational consultant, substitute teacher, or other licensed employee.

History. Acts 2007, No. 169, § 1; 2013, No. 969, § 9; 2013, No. 1138, § 43; 2019, No. 910, § 1495. substituted "Division of Elementary and Secondary Education" for "Department of Education" in (1)(D).

Amendments. The 2019 amendment

6-17-2604. Lifetime teaching license.

(a) A person who meets the eligibility requirements of § 6-17-2603 may apply for a lifetime teaching license by filing an application with the Division of Elementary and Secondary Education.

(b)(1) The State Board of Education shall review the application.

(2) If the state board approves the application, the state board shall reissue the applicant's current or expired Arkansas teaching license as a lifetime teaching license.

(3) A lifetime teaching license applicant is subject to the criminal background checks and Child Maltreatment Central Registry check under § 6-17-410:

(A) Upon application; and

(B) If more than twelve (12) months have elapsed since the last time the background checks and Child Maltreatment Central Registry check were successfully completed, upon employment in an educational environment.

(c) Except as provided in subsection (d) of this section, the lifetime teaching license shall terminate upon the death or legal incapacity of the license holder.

(d) A lifetime teaching license is subject to the same laws for revocation as any Arkansas teaching license.

(e) A person who holds a lifetime teaching license is not required to renew his or her teaching license.

(f) Except to the extent required by § 6-17-2605, a lifetime teaching license holder is not subject to the requirements for annual professional development.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 2; 2015, No. 1089, § 13; 2019, No. 910, § 1496. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a).

Amendments. The 2019 amendment

6-17-2606. Rules — Reports.

The Division of Elementary and Secondary Education shall:

(1) Develop rules to implement the provisions of this subchapter; and

(2) Report annually to the General Assembly regarding compliance with each item set forth in this subchapter.

History. Acts 2007, No. 169, § 1; 2019, No. 910, § 1497. substituted “Division of Elementary and Secondary Education” for “Department of Education” in the introductory language.

Amendments. The 2019 amendment

SUBCHAPTER 27 — SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND

SECTION.

6-17-2702. Determination of eligibility.

6-17-2703. Application process.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-17-2702. Determination of eligibility.

(a) The Arkansas Economic Development Commission, in coordination with the Division of Elementary and Secondary Education, shall promulgate rules governing the eligibility of teachers of science, technology, engineering, or math to receive a supplemental grant from the Science, Technology, Engineering, and Math Fund.

(b) Rules shall be promulgated in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2007, No. 564, § 3; 2019, No. 910, § 1498. substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a).

Amendments. The 2019 amendment

6-17-2703. Application process.

(a) Licensed math and science teachers who are currently teaching science, technology, engineering, and math subjects in kindergarten through grade twelve (K-12) may apply to the Arkansas Economic Development Commission for a supplemental grant from the Science, Technology, Engineering, and Math Fund for that portion of the day in which they are teaching science, technology, engineering, or math subjects or laboratories.

(b) Selection and identification of qualified science, technology, engineering, and math teachers shall be coordinated with the Division of Elementary and Secondary Education for identification of qualified science, technology, engineering, and math teachers.

(c) Applications for supplemental grants from the Science, Technology, Engineering, and Math Fund shall be made to the commission by February 1 and September 1 of each year.

(d) The application shall be made on forms prepared by the commission.

(e) The application shall be accompanied by a letter of certification, on a form to be provided by the commission, from the principal of the school in which the science, technology, engineering, or math teacher is employed.

(f) The commission shall review the applications in accordance with rules promulgated by the commission in coordination with the division to determine if the applicant qualifies for a supplemental grant from the fund.

(g) After determining eligibility for a supplemental grant from the Science, Technology, Engineering, and Math Fund, the commission shall notify, in writing, the applicant of the decision of eligibility.

History. Acts 2007, No. 564, § 4; 2011, No. 989, § 60; 2019, No. 910, §§ 1499, 1500.

substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b); and substituted "division" for "department" in (f).

Amendments. The 2019 amendment

SUBCHAPTER 28 — TEACHER EXCELLENCE AND SUPPORT SYSTEM

SECTION.

6-17-2804. Administrative agency responsibilities.

6-17-2809. System of administrator leadership support and evaluations.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-17-2804. Administrative agency responsibilities.

(a) The State Board of Education shall promulgate rules for the Teacher Excellence and Support System consistent with this subchapter.

(b) The rules shall without limitation:

(1) Recognize that student learning is the foundation of teacher effectiveness, that many factors impact student learning not all of which are under the control of the teacher or the school, and that evidence of student learning includes multiple measures;

(2) Provide that the goals of the Teacher Excellence and Support System are quality assurance and teacher growth;

(3) Reflect evidence-based or proven practices that improve student learning;

(4) Utilize clear, concise, evidentiary data for teacher professional growth and development to improve student achievement;

(5) Recognize that evidence of student growth is a significant part of the Teacher Excellence and Support System;

(6) Ensure that student growth is analyzed at every phase of the evaluation system to illustrate teacher effectiveness;

(7) Include clearly defined teacher evaluation domains, performance ratings, and evaluation rubric components for the evaluation framework;

(8) Include procedures for implementing each component of the Teacher Excellence and Support System;

(9) Include the professional development requirements for all superintendents, administrators, evaluators, and teachers to obtain the training necessary to be able to understand and successfully implement a Teacher Excellence and Support System under this subchapter; and

(10)(A) Include the requirements for schools and school districts to report data under this subchapter to inform public school accountability and support the state's goal of equitable access to effective teachers for all students.

(B) The raw data reported to and collected by the Division of Elementary and Secondary Education for the purposes of this section, including all or part of the raw data that the division provides to an expert outside the division for analysis, is exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

History. Acts 2011, No. 1209, § 8; 2013, No. 709, § 4; 2017, No. 295, § 1; 2019, No. 910, § 1501.

Amendments. The 2019 amendment, in (b)(10)(B), substituted "Division of Elementary and Secondary Education" for

“Department of Education” and “division” for “department” twice.

6-17-2809. System of administrator leadership support and evaluations.

(a)(1) The Division of Elementary and Secondary Education shall design a system of administrator leadership support and evaluations that:

(A) Is aligned to current leadership standards adopted by the State Board of Education;

(B) Uses multi-tiered systems of professional support and learning for what a leader should know and be able to do; and

(C) Provides a research-based framework to conduct administrator evaluations.

(2) The division may collaborate with state and national school leadership organizations and institutions of higher education with school leadership preparation programs to develop the system.

(b) The state board may promulgate rules as necessary for the administration of this section.

History. Acts 2011, No. 1209, § 8; 2013, No. 709, § 9; 2017, No. 295, § 1; 2019, No. 910, § 1502.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in the introductory language of (a)(1); and substituted “division” for “department” in (a)(2).

